

INSIDE KINSEY'S SEXUAL UTOPIA

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'Toffs' to share with 'people's group'

Royal Opera to be joined by the ENO

By DALYA ALBERGE, RICHARD MORRISON AND CAROL MIDGLEY

THE "exclusive" Royal Opera company is to share its Covent Garden home with the "people's" English National Opera after 1999 under a startling proposal from Chris Smith, the Culture Secretary, yesterday.

The ENO will abandon its London Coliseum theatre and join the Royal Opera and Royal Ballet at the redeveloped Royal Opera House, which will change its name to the Covent Garden Theatre.

The theatre's present management structure, condemned as a shambles by MPs last week, will be disbanded and a new board — separate from the royal opera and ballet companies — will take over. But before then, the former National Theatre director Sir Richard Eyre will conduct a review on how the site can best be used when it reopens in 1999.

The move was greeted with astonishment last night. ENO has marketed itself as "the people's opera", performing in English and pegging its ticket prices to general West End levels. The Royal Opera — where £200 tickets are not unknown — has preserved its exclusive image, depending heavily on multimillion donations from private benefactors.

Under Mr Smith's proposal, the "toffs" opera and the "people's" opera would take turns to share the stage — and the Crush Bar.

The idea was welcomed by Lord Chadlington, the opera house chairman, who said: "This is a very interesting initiative which could lead to a solution and build on the strength of both houses."

But the ENO's music director Paul Daniel was "greatly concerned" that the proposed review could threaten the company's unique work. "Only two weeks ago, the ENO was given a massive vote of confidence when it was awarded



Smith: radical plan to tackle deficits

£4.5 million to invest in its future as part of the Arts Council's stabilisation programme. ENO has its own strong artistic vision and a special relationship with a large and loyal audience. All this could be jeopardised."

But Mr Smith said that the arrangement would offer "cultural and financial gains" for everyone and denied that either opera company was under threat. Covent Garden would become an "independent receiving house" for large-scale productions by the three companies, which would each retain their own boards.

"If we simply carry on," Mr Smith said, "we will be making do and mending from one year's end to another. We might end up losing both major companies. This way we retain both, not only surviving but thriving."

Public funds were not limitless: running costs for the two opera companies amounted to £26 million, while the Royal Opera House received a controversial £78 million for its redevelopment. Only last week, the Opera House's chief executive Mary Allen admitted that it was on the verge of bankruptcy. Both opera companies have spiralling deficits, and the Coliseum would require a £60 million conversion

if ENO were to remain there. Mr Smith added: "A proposal of this kind should enable us to resolve some of the financial problems bedevilling the companies and enable us to achieve major cultural gains in terms of touring, education and getting performance out of London to a considerable extent. I believe London can afford two opera companies. What I doubt is if it can afford two state-of-the-art opera houses."

Punding was a key influence in this decision. By having only one lavish £240 million opera house, they would not have to pay millions more for a new ENO building. Nothing has yet been decided over the Coliseum building itself: it could be rented or sold.

Mr Smith emphasised that it was too early to be specific about anything. For example, how the year would be shared, the exact number of performances, or who would run it all. He denied that there would be less opera in London and promised that the artistic integrity of each company would be protected.

Setting out his objectives in a letter to Sir Richard, Mr Smith wrote: "I want to ensure that we are able to sustain the highest standards of national and international excellence in performance. I want to ensure that the distinctive artistic styles of each company are protected and secured. In particular, I would like to see that work become more accessible to all of us."

Critics have long attacked the two opera companies for their reluctance to perform outside London — neither did any touring in Britain last year. Of the Royal Opera's 146 performances, 27 were overseas; the ENO performs for ten months of the year at the Coliseum and stages performances by visiting companies for the other two.



Prince Harry, 13, looks away, but his father is absorbed by the dancing Zulu girls

Test for a young Prince

FROM ALAN HAMILTON IN DURBAN

WHEN a troupe of bare-breasted dancing girls welcomed him to a Zulu village yesterday, Prince Harry, 13, hardly knew where to look.

In the event, the Prince, accompanying his father, the Prince of Wales, for part of his five-day official visit to South Africa, maintained a commendable dignity. And if half-naked dancers were not enough, he was also introduced to a taxi driver called

Prince Philip, not his grandfather but the brother of the local chief, and invited to stick a hand into wet cement.

When the dancing girls appeared in the dusty yard of a village school in the north of KwaZulu/Natal, Prince Harry did not know where best to fix his gaze. But his father grinned broadly throughout and tapped his foot in time to an urgent drum beat.

Apart from the Prince Philip incident, the cement proved as bothersome as the bouncing bosoms. Father and son

were asked to leave their handprints in a block to be built into the school wall. But the cement was already setting, and their hands made little impression until a plasterer smoothed the surface for a second, more successful attempt.

Prince Harry will fly home today to return to school, which will seem tedious compared with his week in Africa. But at least he has seen some memorable sights — and some of them in a school playground at that.

Woodward's lawyers make case for verdict to be annulled

FROM TUNKU VARADARAJAN IN CAMBRIDGE, MASSACHUSETTS

LAWYERS for Louise Woodward, convicted last week for the murder of eight-month-old Matthew Eappen, yesterday filed a motion asking the judge to set aside the jury's verdict and to order a finding of not guilty.

An alternative motion asks the judge to order a new trial. Finally, the lawyers move that should these alternatives not succeed, then a manslaughter verdict should be returned. However, the application does not concede that the evidence supports a conviction of any offence.

The motions, made to the Middlesex County Superior Court, will be presented to Judge Hiller B. Zobel today. In support of a not guilty verdict the lawyers argue that the evidence concerning the time of Matthew Eappen's injury was insufficient as a matter of law to support the verdict.

Particular emphasis was placed on the uncontradicted arguments by Dr Jan Leestma, a neuropathologist, which established, in the opinion of the defence, that the baby's skull fracture was weeks old.

The defence also says that the disclosure by the hospital of autopsy photographs of Matthew's skull to the court on the penultimate day of the trial, unfairly prejudiced the defence.

The motion also argues that the fact that serum spurted out of Matthew's skull (brain matter) when it was first punctured by surgeons proves beyond reasonable doubt that the injury was old.

The motion also brings to the judge's attention the fact that witnesses for the prosecution frequently conceded that

the defence's "old injury, new rebleed" position was a widely recognised phenomenon that can and does occur with infants.

Apart from medical arguments the motion also says that there were judicial errors warranting a new trial. These included errors that the defence alleges the judge made in his instructions to the jurors.

Finally, the motion claims that the prosecution's tactic of overcharging Miss Woodward with first degree murder served to worsen the prejudicial effect of the publicity.

Even if the judge were to accept the manslaughter motion and assuming that the prosecution chose not to appeal against the decision to a higher court, Miss Woodward could be freed in a matter of weeks. This assumes that the judge will treat the time she has already spent in custody as a lengthy enough period of imprisonment to satisfy the needs of justice.

Woodward: plea says evidence "insufficient"

ward with first degree murder served to worsen the prejudicial effect of the publicity.

Even if the judge were to accept the manslaughter motion and assuming that the prosecution chose not to appeal against the decision to a higher court, Miss Woodward could be freed in a matter of weeks.

Court demonstration, page 2

Iraqi threat to US spy planes

Iraq delivered its first military challenge yesterday in the United Nations by threatening to shoot down American U2 spy planes flying over the country as part of United Nations weapons inspections.

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French road gridlock as strikers man barricades

FROM BEN MACINTYRE IN PARIS

TRANSPORT chaos reigned throughout France yesterday, as striking lorry drivers blocked roads, fuel depots and border crossings, vowing to maintain their stranglehold for weeks unless wage demands are met.

With at least 140 illegal roadblocks, the demonstrators brought freight traffic to a halt, trapping hundreds of foreign hauliers and causing huge traffic jams.

Hundreds of riot police moved in to reopen blocked roads at the Spanish and German borders, but the Government showed no sign it was prepared to ensure the "transit corridors" requested by neighbouring countries and haulage companies, some of which face bankruptcy.

The ports at Calais and Boulogne were sealed off by strikers using lorries, concrete blocks and metal spikes. The road to the Belgian border was also cut off.

With dozens of fuel depots and oil refineries under siege, several regions introduced petrol rationing. On the main motorway between Lyons and Paris angry foreign lorry drivers, mainly Spanish, mounted a counter-blockade, fought with strikers and then forced their way through the barricades. One French trucker brandished a revolver but did not

open fire, after dozens of Spanish drivers exchanged blows with strikers on the A6 autoroute at Villers-sur-Saône, north of Lyons. Union leaders agreed to lift the blockade temporarily to prevent further violence.

The strike has gained momentum and spread far more rapidly than during last year's crippling 12-day dispute, and economists warned that the fragile French economic recovery would be under serious threat if the blockade continues. About 80 per cent of goods in France are moved by road.

In most areas the strikers stopped all lorries but allowed private cars to pass.

The decision on whether to intervene lies initially with the local prefecture, and the unions have vowed to "play cat and mouse" if police try to

move them on, lifting blockades under pressure but then raising them elsewhere.

But if international pressure is mounting on Paris for sterner measures, public opinion in France, as last year, appeared to be broadly supportive of the strikers. Neil Kinnock, the European Transport Commissioner, was said to be considering legal intervention. "We are not going to let this run and run. It already looks worse than the strike last year," said his spokeswoman.

British hauliers say that similar action would not be tolerated in Britain, and Steven Norris, the former Transport Minister and director general of the Road Haulage Association, said he wanted more than sincere regrets from the French Government. "I think the French are indifferent to the damage they are doing," he said.

The issue is likely to top the agenda when Tony Blair meets Lionel Jospin, his opposite number, and President Chirac in London for a two-day Anglo-French summit starting on Thursday. The Government yesterday halted the export of 10,000 sheep from Dover to Dunkirk because of delays the animals were likely to suffer.



Aircraft chartered, page 6

Death reveals royal biographer's secret

BY DAMIAN WHITWORTH

IN LIFE, the biographer Helen Cathcart revealed the inside story of the royals. Only on the death of her friend and assistant Harold Albert was disclosed; she did not exist. She was Harold Albert.

For decades Cathcart, dubbed the doyenne of royal book writers in less revealing days, was a prolific and hugely popular chronicler of the Queen and her family. But while her books sold briskly, she remained an obsessive recluse. Her only conduit to the outside world seemed to be Arnold, who presented himself as her literary manager. He delivered her manuscripts, arranged serialisations and approached newspaper editors with her articles.

Albert was assiduous in protecting the privacy of the client he had invented, insisting that even her age and past history were deemed by her to be irrelevant to her work. His labours were often noted in the acknowledgements page of Mrs Cathcart's books.

Some suspected that Albert might be the true author of the score of books published between 1962 and 1988, and including *Her Majesty*, *The Queen Herself* and *Charles: Man of Destiny*. But the truth was never properly established. "You will find people who will say they knew perfectly well but it was never

confirmed, just the occasional hint in the gossip columns," said the biographer Hugo Vickers, who had guessed.

"If you had rung Harold Albert he would have denied it and sent you a copy of one of the books signed by Mrs Cathcart. When journalists went to see him at his house they came away fairly certain that something was up, but never 100 per cent sure."

The matter was settled publicly only by the death notice in *The Times* which recorded the demise of "Harold Albert, author and famed royal biographer under the name of Mrs Helen Cathcart".

Mrs Cathcart had an elegant writing style but was not afraid to upset Buckingham Palace. "She never wrote nasty things and was very much on the side of the royals," said Mr Vickers. "The books are quite good. She would write about subjects that were later put out by other writers as major discoveries."

While researching this newspaper's obituary for this newspaper it emerged that Albert, who died aged 88 in Sussex, had a life as intriguing as any of his subjects. Born Harold Kemp he had a humble start but made up for that with a rich imagination and a love of a good joke — the longer-running the better.

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Speaker brings to heel frisky old dog with roving eye

"Mr Soames!" Madam Speaker, interrupting Questions to Defence Ministers, bristled with indignation. "They may be pretty girls, but we don't do those things." Not since Joyce Grenfell, appearing in a wireless sketch as an infant's school teacher, interrupted her lesson — "George! Don't do that!" — has an audience sat up in such amused curiosity.

What "things"? Which pretty girls? What did the MPs' kindergarten-teacher mean? Had the susceptible and ebullient former Defence minister made a lunge at an attractive lady colleague? Had Miss Boothroyd intercepted an embarrassing *billet-doux* from Soames to an unnamed woman? Hansard records words alone. Archivists reconstructing Commons scenes from the Official Record may conjure a more exotic picture than the facts allow.

The facts are these. Nicholas Soames (C, Mid-Sussex) contrives to be chunky and frisky at the same time: a combination of qualities as

alarming in a Tory backbencher as in a St Bernard. During defence questions, Mr Soames spotted, from his seat on the opposition benches, a young lady civil servant dressed in pale green. He knew this lady. She was sitting in the civil servants' box, a small enclosure at the Chair's right, where officials serving the ministers at the dispatch box sit in readiness to give their bosses help with facts they may need.

Requests for such help and civil servants' answers are conveyed back and forth in notes, for it is a House rule that the only people officially "in" the chamber are MPs, the Chair, and servants of the House. What you or I may see as "the chamber" is not the chamber at all.

The real chamber is thus an oddly-shaped space, missing chunks from its ends and balconies where we who are not "in" the House sit. Strangers in the Strangers' Gallery, peers in the Peers' Gallery, civil servants in their box and journalists in our Press Gallery are outside the chamber. An MP cannot therefore talk to us. Sketchwriters are sometimes reprimanded by servants of the House for

holding whispered conversations with MPs sitting next to us in their adjacent overflow gallery. As these conversations are always initiated by the MPs, it is hard to know what to do. Ignore them? Perhaps that is what the young lady in green should have done when Mr Soames bounded over to the civil servants' box (which is on the government side of the chamber) and began a friendly conversation with her. But she was a Defence Ministry employee and he had been

(before May) one of her ministers. So she did not rebuff her genial, bouncy former boss. "Mr Soames! They may be pretty girls, but we don't do those things" must be understood in that light. Poor Soames wheeled around like a hound discovered trying to get the pheasant off the table, and slunk, hangdog, back down the gangway, running a gauntlet of hooding Labour MPs. The whole House roared with laughter. "You may talk to me," trilled Miss Boothroyd.



MATTHEW PARRIS
POLITICAL SKETCH

Inquiry prompts urgent reform of cancer screening

SWEEPING nationwide reform of breast and cervical cancer screening is to be carried out after the publication yesterday of the second highly critical report in a fortnight.

In future both will be co-ordinated through the eight regions of the National Health Service, ending the fragmentation that occurred with the introduction of the internal market by the previous Government.

Frank Dobson, the Health Secretary, ordered the shake-up yesterday after an investigation showed that the breast cancer service in East Devon did not recall 229 out of 1,920 women whose mammograms showed that they needed reassessment. The women have all been contacted subsequently and the last will be seen on Monday.

The investigation by Sir Kenneth Calman, the Chief Medical Officer, concluded that there was evidence of failure on the part of two radiologists at Exeter — John Brennan, of the Royal Devon and Exeter Trust, and Graham Urquhart, of South Devon Trust — to provide care to the standard reasonably expected of consultants involved in screening.

Disciplinary proceedings have been instituted against Dr Brennan, the doctor in charge of the breast unit, who has been suspended. The South Devon Trust has commissioned an audit of all the radiological work done by Dr Urquhart. Neither is currently working in this field.

"Women in East Devon have been put through worry, anguish and worse as a result of the failures of the screening service at the Royal Devon and Exeter and by the compromised state of the quality assurance systems which failed to identify or tackle these errors," Mr Dobson told the Commons.

The shortcomings paralleled those reported two weeks ago involving the cervical cancer screening service provided by the Kent and Canterbury NHS Trust, he said.

"Cancer screening has two

Changes to be introduced after health service failed women patients, write

Ian Murray and Polly Newton

purposes: to identify patients who need treatment and to reassure patients who do not," he said. "The breast cancer screening service in Exeter and the cervical cancer screening service in Canterbury both failed on both counts. They failed to ensure prompt treatment for women with cancer."

"For other women with cancer they gave false reassurance and left thousands of other women not knowing one way or the other. They were a disgrace. And the failure to have in place a system which could identify promptly things that were going wrong and then put them right was also a

and uniform standards for a cancer screening system which was supposed to be national: legal obstacles to intervening in the affairs of Trusts which are falling down on the job and staff not being able to speak their minds."

In the light of the Exeter report all NHS Trusts with breast cancer screening units are being told to review their arrangements to ensure they deliver a quality service. They must report the outcome of their reviews to the regional director of public health and the national co-ordinator of the breast screening programme by the end of January. By March all trusts, health authorities and regional offices will have to have an action plan to ensure that all screening programmes meet national standards.

By April responsibility and resources for breast screening quality assurance will be restored to the NHS regional offices. They will be able to close down units which fail to meet national standards.

Ben Bradshaw, MP for Exeter, asked Mr Dobson for an assurance that the report had not been "watered down" because of the threat of legal action by the consultants named in it. Mr Dobson revealed that he had been forced to accept three minor changes after a challenge by Dr Brennan in the High Court last Friday. However, he insisted that they did not significantly alter the report's meaning.

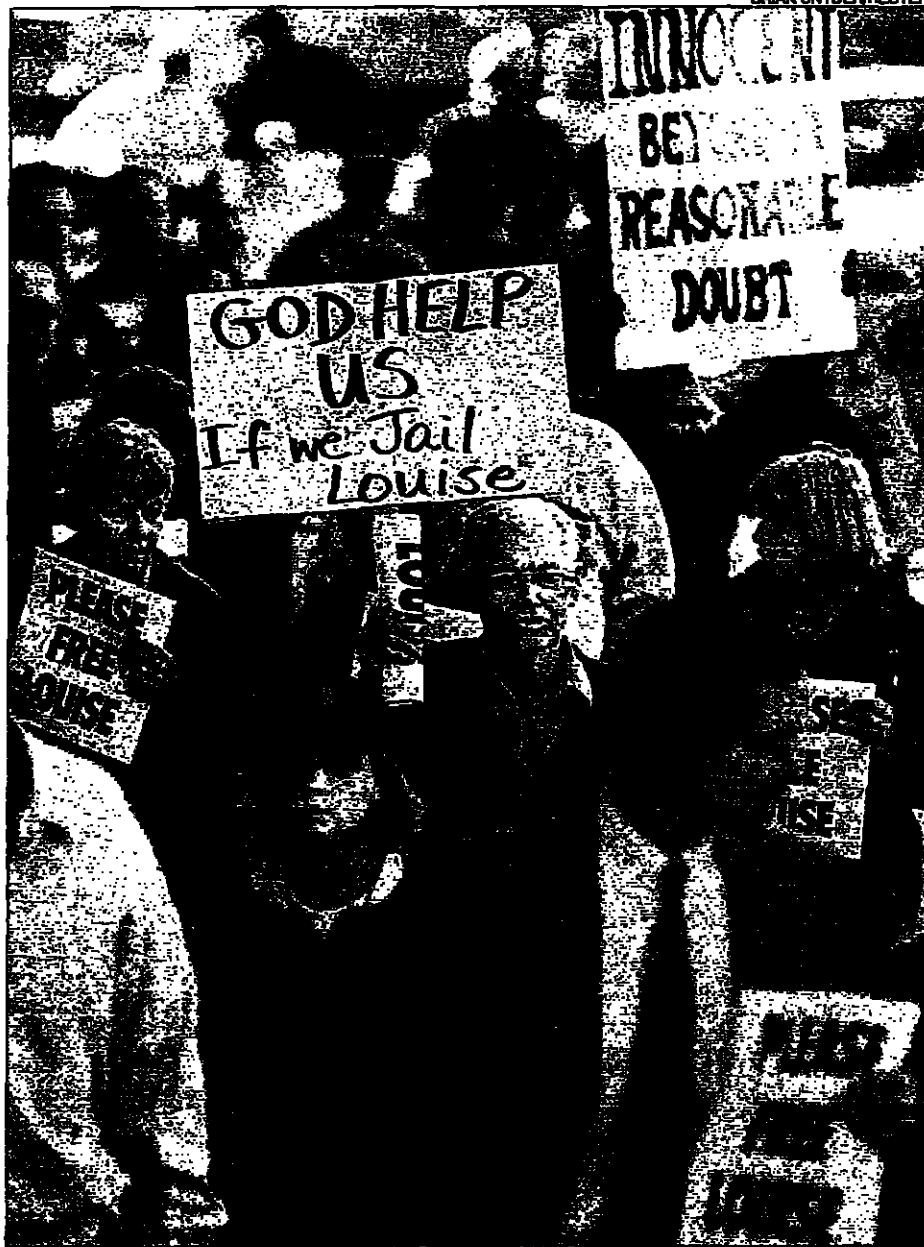
John Maples, the Shadow Health Secretary, rejected Mr Dobson's accusation that the Tories' NHS reforms were partly to blame for the mistakes made in Exeter and Canterbury. He said that fault lay with the individual consultants, not the screening system itself or the workings of the NHS as a whole. "The report blames them quite clearly."



Sir Kenneth: found evidence of failure

disgrace." He said the failures in the way the contracts for screening were purchased, the ineffectiveness of local management, the break down of arrangements for staff to report what was going on and the absence of effective quality surveillance were common to both cases.

"Many of the problems at both Exeter and Canterbury sprang from the shortcomings of the internal market. These included the absence of arrangements to secure high



Placards on display as the protesters gather at the court building in Massachusetts

'Free Louise' protesters chant outside the court

FROM TUNKU VARADARAJAN

DEMONSTRATORS gathered outside the Middlesex County Superior Court yesterday to call for Louise Woodward's conviction to be overturned.

One placard compared the case to the Salem witch trials, and another called for "IQ Tests for Jurors", as about 150 protesters chanted: "Free Louise, Free Louise". To the embarrassment of some, there was also a man whose placard bore the message: "Free Louise, jail the mother."

Among the crowd was Dorothy McNamara, a nanny, wheeling her charge

Ellery, aged 17 months. Ms McNamara wept as she said: "It's terrible. There's only 12 people in Massachusetts that think she's guilty, and that's the jurors."

Debra Esposito, a housewife from Malden, Massachusetts, also wiped tears away as she said: "American justice is rotten to the core. I'm so, so flabbergasted."

In the background, one woman bore a small, handwritten placard that said: "What about justice for baby Matthew?"

In Britain, Miss Woodward's sister Vicky, 18, spoke of her gratitude to the thousands of people who have

sent donations to the campaign appeal, or sent messages of goodwill.

She said: "On behalf of my mum, dad, sister and myself, I would like to thank everyone for their kind support. It has given us tremendous reassurance. I was overwhelmed by the calls and pledges. I am encouraged by the strength of feeling throughout the world as to my sister's innocence and I hope to see her back home where she belongs very soon."

Donations are estimated to have exceeded £125,000. The address of the Louise Woodward Appeal Fund is: Meadowbank, Ince Lane, Elton, Cheshire, CH2 4LX.

NEWS IN BRIEF

Hague willing to let monetary rebels go

William Hague said yesterday that he was ready to accept more frontbench resignations over Europe rather than offer a confused message to voters. The Tory leader, campaigning in the Paisley South by-election, said he would prefer them to go now. "It is better to resign if they have a genuine disagreement with the party than if we tried to cover it up," he said. "I would rather people resigned so that we have a united team and so that we can get a clear message across to the country." His remarks seemed to dash the hopes of pro-Europeans that he might avoid a confrontation with them next week over the Bill ratifying the Amsterdam treaty.

Meanwhile Eddie George, the Bank of England Governor, confirmed that Britain would gear its economic policies towards joining a single currency. He said that in monetary and fiscal policy fields "we will be pursuing a parallel track to the Euro-land countries" before the situation was reviewed early in the next Parliament.

Neil Hamilton

A report (October 29) wrongly estimated that legal costs incurred by Neil Hamilton in connection with the Downey inquiry amounted to £50,000; in fact, the figure was very considerably less. We apologise to Mr Hamilton and his solicitor, Rupert Grey, for the error.

140,000 guns handed in

More than 142,000 handguns have been surrendered to the police following legislation banning the weapons in the wake of the Dunblane massacre. The total includes 116,000 larger calibre weapons which were banned by the Conservative government plus 26,000 .22 weapons handed in ahead of legislation currently going through parliament. The total is almost 60,000 short of the original estimates of the number of handguns in the UK.

Stansted hijack retrial

An Iraqi accused of plotting to hijack an airline to escape Saddam Hussein's regime faces a retrial after an Old Bailey jury was deadlocked. Last week the jury convicted six Iraqis of taking part in the hijack but expressed sympathy for their plight. Yesterday the jury returned to say they could not agree on Sabah Naji, 29, a carpenter. The six will be sentenced tomorrow for seizing a Sudanese Airways Airbus which landed at Stansted airport, Essex, last year.

Labour election choice

Bob Hughes, a computer projects manager with BT, has been chosen as the Labour candidate to fight the Beckenham by-election caused by the resignation of Conservative Piers Merchant over allegations of an affair with a teenage girl. Mr Hughes, 39, who fought the seat at the general election, was the only candidate on a shortlist drawn up by Labour's centrally controlled by-election panel. The poll will be held on November 20.

Drug health warning

Doctors and diabetes sufferers are being warned that a new drug that went on the market in Britain last month can cause liver damage in a small number of patients. Glaxo Wellcome, which markets the drug as Romozin, has advised doctors to test patients using it regularly to check for any adverse reactions. The government is also planning to ban the sale of unpasteurised milk for drinking after receiving scientific advice that it could poison consumers.

Whale rescue in vain

A 45ft whale was found dead on the banks of an island in the Humber less than 24 hours after it was rescued from mud flats. Rescuers including firemen, the RSPCA and divers had spent eight hours refloating the minke whale on Sunday but it was spotted overturned on a mudbank yesterday. Sections of blubber and fin will be sent for analysis by marine experts in London to discover whether disease caused the animal to become confused.

Models dig heels in

Models have demanded that their legs are insured for the Clothes Show Live event after discovering that they would be required to wear stiletto shoes throughout the six-day fashion and beauty show in Birmingham next month. Gavin Brown, chief executive of Barker Brown, the organisers, said: "We are investigating the cost. I'm hoping that we will be able to afford it, as we value our models and their livelihoods."

Press need not fear human rights Bill, says Irvine

BY JAMES LANDALE
POLITICAL REPORTER

PRESS freedoms will not be curbed by the Government's plans to incorporate the European Convention on Human Rights into British law, the Lord Chancellor said yesterday.

Lord Irvine of Lairg said he understood the media's concerns, but insisted that press rights were in "the safe hands of British judges and with the judges of the European Court".

He was speaking during the second reading debate in the House of Lords of the Human Rights Bill which will formally enshrine human

rights in British law for the first time in 300 years.

The Bill has provoked fears that lawyers and judges will use it to create a privacy law by the back door. Lord Wakeham, chairman of the Press Complaints Commission, last weekend described the move as a "villain's charter" which would hinder legitimate press inquiry.

Buckingham Palace yesterday denied reports that Sir Robert Fellowes, the Queen's Private Secretary, planned to use the Bill to create a special privacy law for the Royal Family based on injunctions.

The key concern of the media

centres on Article 8 of the Convention which guarantees an individual "the right to respect for his private and family life, his home and his correspondence". Although this is balanced by Article 10 which guarantees freedom of expression, there is no specific provision for the press.

Lord Irvine told peers that the Government had no intention to introduce statutory privacy laws, but admitted that judges were likely to develop a common-law right of privacy regardless of incorporation.

"The Government believes that strong and effective self-regulation is the best way forward in the interests

of both the press and the public," Lord Irvine said.

He added: "I say as strongly as I can to the press, I understand your concerns but let me assure you that press freedom will be in safe hands with our British judges and with the judges of the European Court."

He rejected claims that lawyers would use the new rights to seek injunctions to prevent the publication or broadcast of intrusive stories.

"I do not envisage the press going down to late Friday or Saturday privacy injunctions disruptive of publishing timetables, if the press have solid grounds for maintaining

that there is a public interest in publishing," he said.

Lord Lester of Herne Hill, the Liberal Democrat human rights lawyer, said Lord Wakeham's fears were unfounded. The Convention did not give an absolute right to either freedom of expression or of privacy.

If an independent authority maintained the "sensitive balance" between free speech and personal privacy, "then the development of a right of privacy... will not lead, normally, to judicial intervention against the media".

Leading article, page 19

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Third meningitis death widens mass vaccination

Students at Southampton ask why action was not taken earlier. Peter Foster and Ian Murray report

DOCTORS were struggling yesterday to contain the outbreak of meningitis at Southampton University, where three students have died within the past month. It is the worst such outbreak at a British university.

More than 5,000 first-year students are being immunised, and up to 10,000 more will be vaccinated within the week. The mass immunisation follows the death of a third female student on Sunday

morning, four days after the university vaccinated more than 1,000 undergraduates in an attempt to stop the outbreak. There have been three other cases.

The latest case has fuelled concerns that government guidelines on treating meningitis in universities, drawn up after two students died in an outbreak in Cardiff last year, are inadequate.

Quick diagnosis and treatment of the killer strains of

meningitis were the surest way to save lives of those who caught the disease, Sir Kenneth Calman, the Chief Medical Officer, said yesterday. Vaccinations provided far from perfect protection and could create a sense of false security.

Launching a campaign emphasising the urgency of obtaining speedy medical help if symptoms appeared, Sir Kenneth urged all parents and students to keep a close check on their children and friends to ensure that if they became ill they did not delay in consulting a doctor.

The campaign was planned during the summer, before the current outbreak at Southampton, because the illness peaks in the months leading up to Christmas. "Tragically, it has come on a day another student has died, but that underlines how timely this warning is," Sir Kenneth said. "Meningitis can kill or disable very quickly, so if symptoms appear, get help. Students tend to take a paracetamol and go to bed early if they feel ill. If they have caught meningitis they could be dead the next morning, so friends should keep a close eye on anyone who says they are not feeling well."

Southampton students were asking yesterday why the au-



Students at Southampton joining the queue for vaccination yesterday after the worst outbreak of meningitis at a British university

thorities had not acted more quickly after the death of the first victim, Melissa Irvine, on October 11. Amy Harris, 21, who is studying to become a teacher, said: "They had to wait for two people to die before starting to do anything. They should have vaccinated everybody from the start."

The latest student to die was living in Gabley Hall, two miles from the Wessex Lane Halls where all the five other cases were found. This has led to fears that the outbreak might be spreading.

Thousands of parents have been ringing the university

switchboard asking for guidance on whether their children should go home. The university, keen to contain the outbreak, has been imploring students to stay on the campus, where the best medical attention is available.

Southampton Health Authority said it had drafted in 18 nurses from schools and health centres to help to administer the vaccine, which had been taken from local stocks. The bill for the programme could reach £150,000.

Howard Newby, Southampton's Vice-Chancellor, told a news conference yesterday that everything practica-

ble had been done. "After the first case, we acted quickly in accordance with the national guidelines and had done everything in our power, including a massive information campaign."

Michael Barker, consultant in communicable disease control at Southampton Health Authority, admitted that lives might have been saved: "If we had vaccinated everybody after the first case, it is likely that the outcome would have been different. However, the national guidelines are clear and have been followed." He

added that the government body responsible for monitoring infectious diseases would be reviewing the guidelines after Southampton.

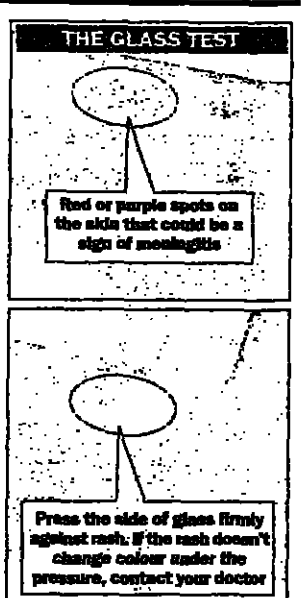
Under those guidelines, only those in immediate contact with a confirmed meningitis case are considered to be in need of antibiotics and immunisation. The vaccine, which works only for type C meningitis, is effective for only 80 per cent of cases and even then for a limited period.

It is the speed with which the illness strikes which has most scared the students at Southampton. In the latest

case, the girl was admitted to Southampton General Hospital on Thursday and kept under observation on a general ward. According to a hospital spokesman, she went to sleep normally on Saturday night but was found dead by Sunday morning.

The parents of the first victim, Miss Irvine, who was found dead in her room on October 11, are supporting a fundraising effort to install telephones on every floor of the university's accommodation buildings to make it easier for students to raise the alarm.

The easy way to check if someone with a rash could have meningitis is to use "the glass test". Sir Kenneth Calman, the Chief Medical Officer, said yesterday. Press a clear, empty glass firmly against the rash and see if the red or purplish discoloration fades. If it fails to fade, then there is a danger that the rash is a symptom of meningitis and a doctor should be contacted at once. Meningitis does not always cause a rash. In babies symptoms include a pale or blotchy skin, a high-pitched moaning cry, refusal to eat, or vomiting. In older children and adults symptoms include drowsiness or confusion, a severe headache, vomiting, a temperature, and dislike of bright light.



Police marksman shoots armed woman after robbery bid

By MICHAEL HORSNELL AND STEWART TENDLER

A WOMAN believed to be armed was shot by a police marksman after an attempted robbery and a high-speed chase. She was under guard in hospital last night after emergency surgery but is expected to recover.

Forensic experts were examining a silver replica handgun capable of firing blanks or air pellets and an antique pistol capable of firing live

rounds. The weapons were found in a white van driven by the woman.

Initial police reports say a marksman fired four times after the woman was seen to reach down in the van to a door compartment where police believed she was keeping a gun. She was hit in the groin, shoulder and hand, and is reported still to have tried to drive away, crashing into a tree and house.

It is the first time any of the

Yard's dozen armed response vehicles has been involved in wounding a woman.

The incident began when a woman, aged 31, pulled up by a pedestrian on Sunday night in Gants Hill, near Ilford, Essex. She asked for directions. Then, it is claimed, as the man walked on she pulled up again and leaned out of the passenger side with a gun to demand his bag. He refused, escaped and raised the alarm.

Later, a witness was spotted by

a patrol and an armed response vehicle was called in. The van was cornered in a cul de sac in Chadwell Heath, after a three-mile chase involving six police vehicles. A police van tried to block the Transit, which then started to reverse repeatedly into it and drive towards officers.

Police sources say officers kept calling on the driver to stop but she was seen to grin and reach towards the door. A marksman shot her with a Heckler and Koch carbine.

A replica weapon was later found in the door compartment of the van. The pistol was behind the seat and had been fired a number of times. The sixth chamber was loaded. After she was wounded officers claimed she was laughing as she received first aid treatment.

A 15-year-old schoolboy, who witnessed the shooting from his garden gate six metres away, said he saw police open fire.

Sam Barry, the son of a Church of England vicar, said he saw one

shot fired through the van's windscreen by one officer who looked as if he might be mown down when the driver attempted to turn the vehicle round to escape from the cul-de-sac. Sam, a pupil at St Edward's Church of England School, Romford, said: "The van was revving up and the wheels were turning. Then suddenly a police officer standing there just shot. I think he thought the van was going to run him over. I heard four shots in quick succession and I

ran back in because I did not want to get caught in gunfire."

Sam ran to a bedroom window and heard a "massive crunch" as the car hit the wall of the house opposite. "A woman had cuffs on and was spreadeagled on her face in the road. She was conscious. She looked as if she was trying to see what was around her. There was a lot of blood on the road."

A woman was last night arrested on a charge of attempted robbery.

Harrods guilty of racial bias

By JOANNA BALE

HARRODS was described as malicious and dishonest yesterday as a black florist was awarded £16,500 compensation for being rejected from a job on racial grounds.

Gillian Elmi, 29, was falsely accused of being unclean and having untamed hair by the London store as an excuse not to employ her, an industrial tribunal was told. Harrods also claimed she had "unpolished speech," the wrong image and knew little about the store.

She won her case for racial discrimination after claiming that management simply did not want a black face on the shop floor. Ian Lamb, the chairman of an industrial tribunal at Croydon, South London, said yesterday: "There was an act of blatant racial discrimination by a very senior personnel officer."

"There was lying and deceit on the part of Harrods personnel to conceal that act. There was dishonest testimony by Harrods personnel, where she was described as unclean and unkempt. It was part of the malicious way in which the Harrods

personnel decided to contest the complaint. There has been no apology," Ms Elmi, of North London, applied for a job with the store in January 1993.

During a lengthy legal battle, Harrods used a string of excuses for its decision, accusing the florist of having untamed hair and being unclean. The tribunal panel yesterday ruled Ms Elmi was entitled to £16,500. It awarded £7,500 for aggravated damages and another £7,500 for injury to feelings.

A further £1,500 was awarded as compensation for loss of earnings. With other extras, including interest, the figure is expected to rise to £20,000.

Ms Elmi declined to comment. Kevin Ratcliffe, the Chester City manager and former Welsh international footballer, yesterday admitted to a Liverpool tribunal that he had racially abused an 18-year-old black player, James Husseney, who was trying to become a professional with the third division club. He denied releasing the trainee for racist reasons. The tribunal continues.

Doctor's patient was his mugger

By SIMON DE BRUXELLES

A CASUALTY doctor treating the victim of a street fight recognised him as the mugger who had robbed him at knifepoint months earlier. Yesterday the 21-year-old attacker was jailed for six years.

Karl Telemague, a crack cocaine addict, had cornered James Moore in a nightclub and threatened to stab him unless he handed over his money. The next time they met was when Dr Moore, 28, was on duty at Cardiff Royal Infirmary on a busy Saturday night.

A patient was brought in after a street fight. James Sprunks, for the prosecution, told Cardiff Crown Court that Dr Moore "immediately recognised him as the man who had robbed him five months earlier. Telemague had escaped arrest at the time and had been wanted for some time in connection with other offences. Dr Moore contacted the police immediately and pointed Telemague out."

In the first incident, Dr Moore, who now works at Great Ormond Street Hospital for Children, London, had been with friends at the Escape nightclub in Cardiff city

centre. Mr Sprunks said: "Telemague was aggressive to the doctor and followed him around the nightclub. When he cornered him alone, he told Dr Moore that he had a blade and demanded cash. Dr Moore was so frightened that he handed over £10." Doctors tried to detain the mugger but he escaped.

Telemague, of Ely, Cardiff, admitted the robbery and eight other offences, including theft, criminal damage, receiving stolen goods, drink-driving, stealing a woman's handbag and threatening her with a knife.

The court was told that he was addicted to crack cocaine and stole to feed his habit. Jeremy Jenkins, representing Telemague, said: "He is an abuser of alcohol and hard drugs but he is making efforts to fight his addiction."

Telemague has previous convictions stretching back seven years, including assault, theft and kidnapping. Judge John Prosser told him: "You are a danger to the public. Dr Moore will remember your face for a very, very long time. He must have been petrified when he saw you."

Jelly wobbles as Britain's tastes in puddings break the mould

By ROBIN YOUNG

JELLY is slowly sliding off the menu. Once the favourite British dessert, sales are now distinctly wobbly. The collapse of the jelly set is despite the fact that Britons are eating more desserts than ever, with sales worth £80 a second, latest figures show.

The biggest gains have been made by new favourites such as fromage fraise and chilled or potted desserts, such as mousses and cheesecakes. The only falls in sales since 1992 have been those of canned and dehydrated desserts — and jelly, down from £37 million a year to £32 million, according to the industry analysts, Datamonitor.

The trend is the latest in the rise and fall of jellies, from royal favourite to children's party dish. The earliest

recorded English cookery book, a 10th century Anglo-Saxon medicinal compilation, included recipes for jellies made from boiled meat, fish, bones and fruit, boiled and strained to set through a combination of sugars and pectin.

The word "jelly" derives from the Middle English geli and the Latin gelare, to freeze or congeal. Americans nicknamed it "nervous pudding". The French called savoury jelly "aspic" because it was cold and slippery, like an asp, and delivered a vinegar bite.

By the time of Henry VII, jelly's popularity in court circles had earned it the title "the food of kings". By the 1760s, isinglass had been introduced as a setting agent, enabling cooks to make jellies stiff enough to be turned into elaborate moulds.

In the 19th century, mass production

arrived by combining the two methods of jelly-making. Animal jelly was easily soluble and easy to set, while fruit jellies were rich and various in flavour. Fruit flavours were put into jellies made from animal sources, creating gelatin powders or fruit-flavoured pastilles. Jellies became a dramatic highlight of desserts, and the Duke of Wellington had more than 500 moulds. Nestlé Rowntree, which dominates the market, first sold jelly in 1923, marketing ten flavours in tablet form. The concentrated cube arrived in 1932. The company still markets 14 tablet flavours and six ready-to-eat flavours.

Natural jellies, made without gelatin, continue to be a feature of haute cuisine. Despite the popularity slump, Britain is still eating 3,100 tonnes of jelly a year.

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THE EFFECTS OF A PACK OF TWENTY ON AN EXPECTANT MOTHER.



PHOTO: LEAGUE AGAINST CRUEL SPORTS LTD

It's a disgusting habit. But one that fox hunters seem loath to give up.

In an average year, they get through around 20,000 cubs, dog-foxes and vixens.

Even heavily pregnant vixens are considered fair game.

Selective with the truth, some fox hunters maintain there is no cruelty.

Post-mortem examinations of foxes savaged

by hounds prove otherwise.

Typical findings include, "Extensive wounds to abdomen and thorax," "intestines hanging out" and "death caused by pathological shock."

A 'quick nip to the neck' it isn't.

Foxes that manage to go to ground during a hunt face a terrifying and protracted ordeal.

Escape routes are blocked, and terriers sent in to corner their prey.

The ensuing underground battle is nasty and brutish. It is not short.

The fox may well die underground, fighting for its life. (The terriers also sustain injuries.)

If it's still alive, the hunters' digging will expose it. The best the poor creature can hope for now is a gunshot.

Those animals that escape the hunt don't necessarily escape the suffering.

The stress and exertion of the chase is traumatic beyond imagination.

This, the fox hunters insist, is sport.

71% of the British people disagree. They think hunting with dogs should be banned (MORI).

Don't be passive.

Please write to your MP. Ensure that on 28th November he or she supports Michael Foster's Private Member's bill to ban hunting with dogs.



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Life for killer whose trail led police to India

By SIMON DE BRUELLES

A WEALTHY market trader was yesterday jailed for life for the murder of his wife after an investigation that took detectives from Wiltshire to the Punjab.

Mohan Singh Kular, 46, killed his second wife, Ninderjit, ten years ago during a second honeymoon in India, shortly after he had insured her life for £800,000.

Kular, who owned two shops and half a dozen houses in Swindon, was the first person this century to be prosecuted under the Offences Against the Person Act 1861, which allowed him to stand trial in England for crimes committed abroad.

Having found Kular guilty of killing his wife, the jury at Bristol Crown Court was discharged after failing to reach a verdict on a second charge of

murdering Baksho Kaur Hans, 29, his first, common-law, wife and business partner, in almost identical circumstances in 1981. The Crown Prosecution Service has five days to decide whether to request a retrial.

Kular, who offered no defence during his four-week trial, looked on impassively as Mr Justice Toulson sentenced him to life imprisonment.

The judge told him: "You murdered your wife and fabricated explanations about what happened to her. You believed by murdering her in the Punjab you would get away with your crime. Ten years later justice has been done."

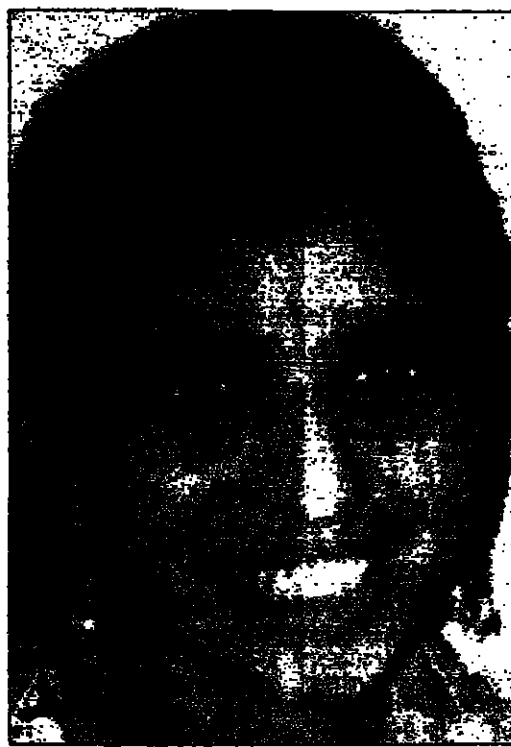
The court heard how Mrs Kular was strangled with her own scarf and thrown from a speeding car. Kular then paid officials to release her body

quickly for cremation before telling her family and friends of her death.

Kular claimed she had been killed by a hit-and-run driver but later confessed to a friend after a drinking session.

He told Paramjit Singh Gill: "You know my wife always gave me pain — I finished that pain. Don't tell anyone else. I killed her. Two people helped me, using a scarf. We picked her up and threw her out of the car to try to make it look like a real accident."

The investigation began in 1994 when Kular complained to Wiltshire police that two men had robbed him of £1,000. During questioning the men, who denied robbery, each claimed that Kular was involved in the murders of two women in India. The allegation, together with suspicions



Ninderjit, left, her husband Mohan Singh Kular, and Baksho Kaur Hans, whom he was also accused of murdering on a trip to India in 1981

over the enormous insurance claim, led to a two-year investigation which took eight British officers to the Punjab for a total of 16 weeks.

Detective Chief Inspector Gerry Luckett, 45, who described Kular as a "cold-blooded killer", said: "It was an extremely complex investi-

gation. We had language and cultural differences. We were going into an unknown area, another country. We had to go in with a special permit because it was so dangerous. It was the perfect back-drop to his murders."

"We were escorted by a truckful of armed Punjabi offi-

cers with automatic weapons. After Kular's arrest in November 1995, we were more than happy to cut down our escort to two unarmed officers."

Kular never answered a single question posed by Wiltshire detectives throughout his two years in custody.

Getting 30 Indian witness-

es, including one of Kular's accomplices, into court to give evidence was just one of the logistical problems which needed to be overcome.

Detective Inspector Paul Eastham said: "We had Mangal Singh, a self-confessed killer, Ninderjit's sister Chindo, who had been convicted of drug trafficking, and Harbhajan Singh Kular, who was trying to seek political asylum in this country. It was not an easy task."

"For the others, some of them hadn't been out of their village or even seen a train... We more or less had to take them by the hand."

MPs want fast track to top for best teachers

TEACHERS should lose their automatic annual pay rise as the Government tries to change the culture of the profession and stave off a recruitment crisis, an all-party committee of MPs said yesterday.

Higher A-level grades for trainees and a "fast stream" to headship were also part of the package the MPs said were needed to make teaching more attractive to high-flyers.

Training colleges and teacher unions yesterday said such measures would have the opposite effect on recruitment, which is at crisis levels in subjects including mathematics and modern languages.

But Margaret Hodge, chairman of the Commons Education and Employment Committee, said the advertising campaign launched last month by the Teacher Training Agency was not enough.

"We are saying the culture of the profession needs to change if we are to attract the right people the profession and the children need," Mrs Hodge said at the launch of the committee's report, *Teacher Recruitment: What Can Be Done?*

Teachers currently receive an automatic annual salary rise for their first eight years, above the rate of inflation. Once they have reached the top of the pay scale they earn more through promotion or extra responsibility.

Mrs Hodge said: "Should teachers simply be rewarded

Automatic pay rises should be ended by 'culture change', reports David Charter

for length of service? I hope the Government, through its appraisal system, will be looking at other ways of rewarding the best teachers."

The committee said pay for teachers was not the critical issue. Comparisons by the OECD showed starting rates in Britain were only bettered in Ireland, Spain and Portugal.

The committee proposed raising the minimum entry standards for teacher-training courses to three grade Cs at A level, from the present average of two Ds and a C. High-calibre graduates should also be wooed into teaching with the promise of a "fast stream" to headship via Civil Service-style exams.

Nigel de Gruchy, general secretary of the National Association of Schoolmasters and Union of Women Teachers, said many of the proposals seemed designed to put people off teaching. "Strapping annual increments is an old idea that has been exhaustively considered and decisively rejected," he said.



Nicola Atkin expelled Sarah Briggs, right

Head quits after report backs pupil

By JOHN O'LEARY, EDUCATION EDITOR

A HEAD teacher who expelled a teenage girl for criticising her school in a local newspaper has resigned after a critical report by inspectors, it was disclosed yesterday.

Queen Elizabeth's School, in Mansfield, Nottinghamshire, made national news in July, when Sarah Briggs was expelled after refusing to apologise for her part in an anonymous letter claiming that poor teaching was jeopardising pupils' GCSE chances. The governors later relented under pressure from ministers and local authority officials.

The 15-year-old pupil complained that persistent absenteeism by staff had led to her being taught by a series of supply teachers. The National Union of Teachers blamed the "high-pressure management style" of Nicola Atkin, the head teacher, for the absences.

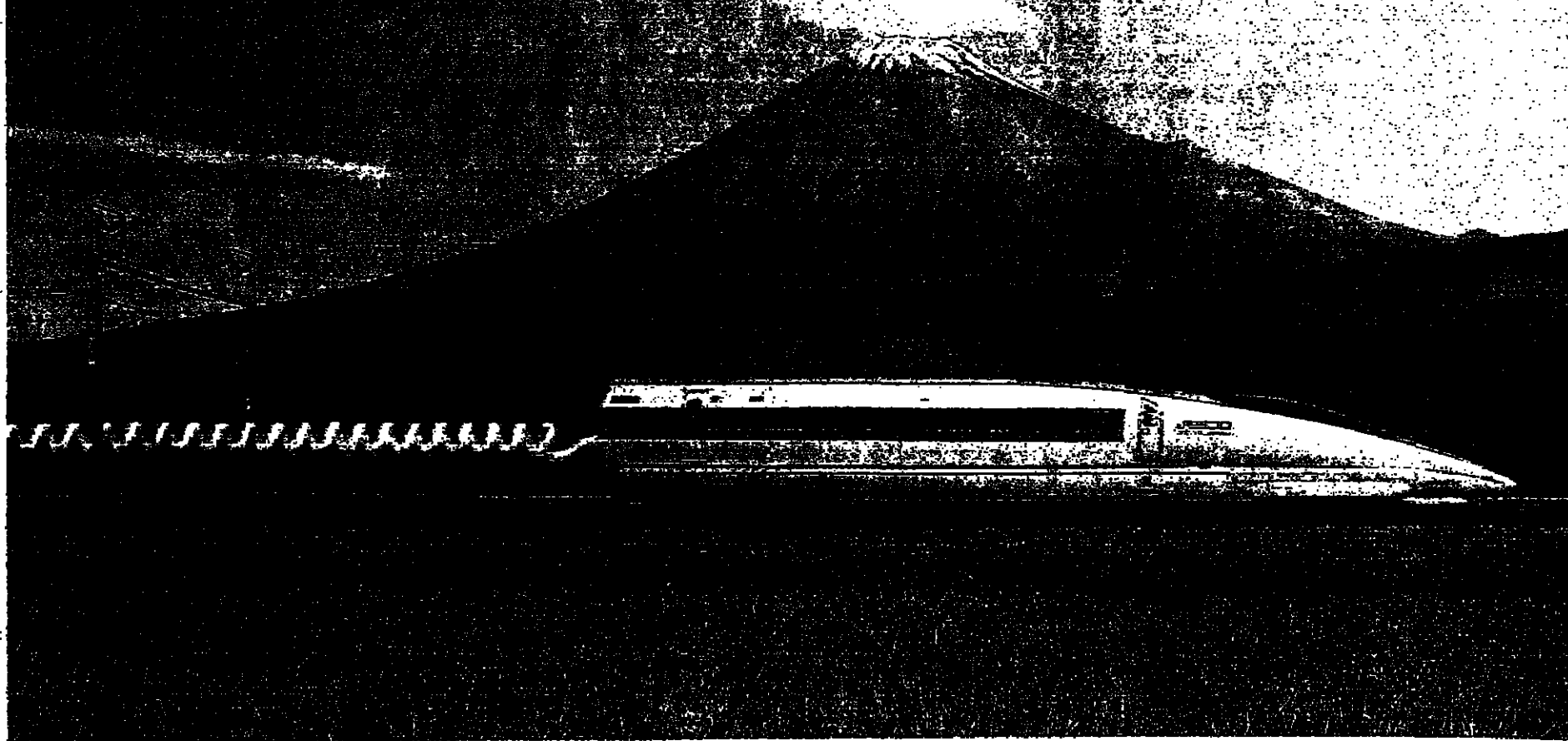
The governors asked Not-

tinghamshire to investigate when teachers at the comprehensive passed a unanimous vote of no confidence in Mrs Atkin. The Office for Standards in Education sent a team of inspectors whose report has yet to be published. There was further unrest before the start of term when NUT members claimed the timetable was unworkable.

Although its inspectors' report will not be published until next week, the local authority said yesterday that serious weaknesses had been uncovered throughout the school. The report is expected to criticise top-heavy management and poor teaching.

Mrs Atkin said yesterday she had resigned because the school needed a fresh start after adverse publicity. John Round, a 51-year-old inspector who was not involved in the report on Queen Elizabeth's, has taken over as acting head teacher.

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Stores charter aircraft to beat lorry blockade

SUPERMARKETS have drawn up an array of contingency plans, including chartering aircraft, in an attempt to avoid food shortages caused by the French lorry blockade.

Many have already stocked up on non-perishable goods, including wine, and most major supermarkets have rerouted their lorries and are on standby with chartered ferries to circumvent the strike action. However, smaller and independent retailers are likely to suffer, Doug Henderson, chief executive of the Fresh Produce Consortium, said. "Supermarkets are in a better position to plan and organise their supplies but wholesale markets and independent retailers, because they are more fragmented, are less able to respond and their supplies will be hit harder," he said. Sainsbury's has chartered container ships to bring Spanish fruit and vegetables into Britain. "We are using ferries from Bilbao and have more ready if necessary. We also have a train available from Spain to London if

Supermarkets reroute drivers across Europe to avoid food shortages caused by strike, reports Kathryn Knight

necessary and will charter aircraft if we have to," a spokesman said.

At Safeway, a spokesman said it had brought in extra supplies during the weekend and expected to be able to cope with the strike by rerouting its lorries.

Producers of Beaujolais Nouveau were given special permission to export bottles early in case the strike overshadowed the launch on November 20. Cases of the wine have already been shipped to Britain and other European countries.

Meanwhile haulage companies were trying numerous detours to avoid the barricades, including a 24-hour overnight journey from Plymouth to Santander in northern Spain. Drivers said their firms were already counting the cost of the action after only a few

hours, with many keeping their vehicles at home yesterday. Some had been involved in a last-minute scramble to get their vehicles out of France at the end of last week.

At Dover port yesterday, only 100 lorries departed compared to the usual 800. P&O diverted its freight services from Calais to Zeebrugge, and laid on extra crossings. Sea France diverted its two freight services to Ostend.

The strike action has also forced Oasis to cancel three French concerts after the band's equipment was stranded in Lille. A spokesman for Creation records said the band had been scheduled to perform in Paris tonight. "They are very disappointed but there's nothing they can do. They hope to reschedule," he said.

At Dover, where ferries

were taking lorries to Zeebrugge to avoid the blockade, Kent police said they were ready to implement Operation Stack at any point, particularly during the next two days, the busiest time of the week. Sections of the M20 will be closed to allow the lorries to queue and filter through to Dover in groups of about 20, should there be congestion.

Stephen Norris, director-general of the Road Haulage Association, said the strike would give renewed impetus to the battle for compensation from the French Government that was still outstanding from last year's action.

However, he admitted that he was pessimistic about the chances of recovering the full amount of claims. "The French Government effectively admitted liability and then reneged on that. Only a handful of firms have been compensated, and with a minimal amount," he said.

The French Foreign Ministry has set up a Website to give information about road disruption: www.equipement-gouv.fr



A lorry driver by a queue of trucks blocking a motorway east of Paris yesterday. Police did not intervene

Freight frozen as French take to barricades

SIX French lorry drivers huddled around a brazier brought freight traffic to a standstill in Calais yesterday.

The Calais blockade, one of about 120 across France, consisted of a few wooden pallets and three spiked devices on the ground. But it was enough to stop the 7,500 lorries that normally pass through the terminal every day.

As police moved in to end similar blockades on the Spanish and German borders, there was no sign of any intervention in or around Calais, or the other northern French ports.

British drivers, facing detours to Belgium, and their trade organisation called for the French authorities to step in. But there were only handshakes between police and strikers led, at Calais, by Philippe Ralt, a veteran of last year's 12-day blockade.

Ferry companies diverted all freight traffic away from Calais to Zeebrugge in Belgium. Yesterday morning, just two British lorries arrived at the normally bustling French port.

Allen Boocock, one of the drivers, said: "I have no sympathy for the French drivers. If this happened in England they would be thrown in jail. They are stopping me from doing an honest day's work for an honest day's pay."

The 54-year-old, from Keighley, west Yorkshire, had driven for two days from Milan to try to beat the strike. One of his daughters, Donna, 23, is getting married at the

Adrian Lee finds six lorry drivers stopping Calais's daily traffic of 7,500 vehicles

weekend, and a second, Nicky, 20, is emigrating next week. Mr Boocock said he would head for Belgium to try to get home. But the Road Haulage Association later reported that many drivers were caught in the Ghylvelde corridor near the border.

The association said the closure of Calais was costing its members money, and some had decided not to travel at all.

"The ferry companies are being held to ransom," said a spokesman. "The strikers are saying that if the ferries try to bring freight into Calais, they will begin to target passenger traffic."

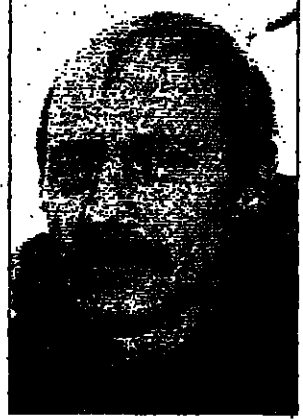
David Green, director-general of the Freight Transport Association, called on the French authorities to end the Calais blockade.

There were reports of blockades right along the northern French coast. At Boulogne, English drivers who arrived from Dover on Sunday night were forced to return home yesterday. Le Havre and Caen were also barricaded, although freight was getting through the Channel Tunnel.

On the Calais picket line, M Ralt, a driver from Lille, said: "We don't want any conflict. If the authorities ask us to move, we will go somewhere else."

Dubbed "Red Philippe" last year, he said: "I am not a terrorist. I drive in England most weeks, and many British drivers are my friends. I was at a lorry depot in Rumor recently where they are paid £4.50 an hour: we get £3.50. That is why we are here."

Asked how long the blockade might last, M Ralt shrugged his shoulders and said: "I don't know. Perhaps two or three weeks maximum. The Government will give in eventually because there's too much at stake."



'Red' Philippe Ralt in Calais yesterday

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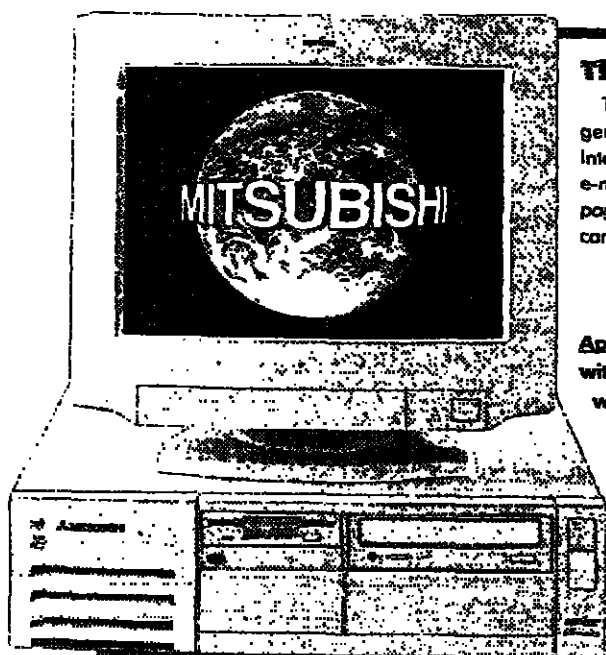
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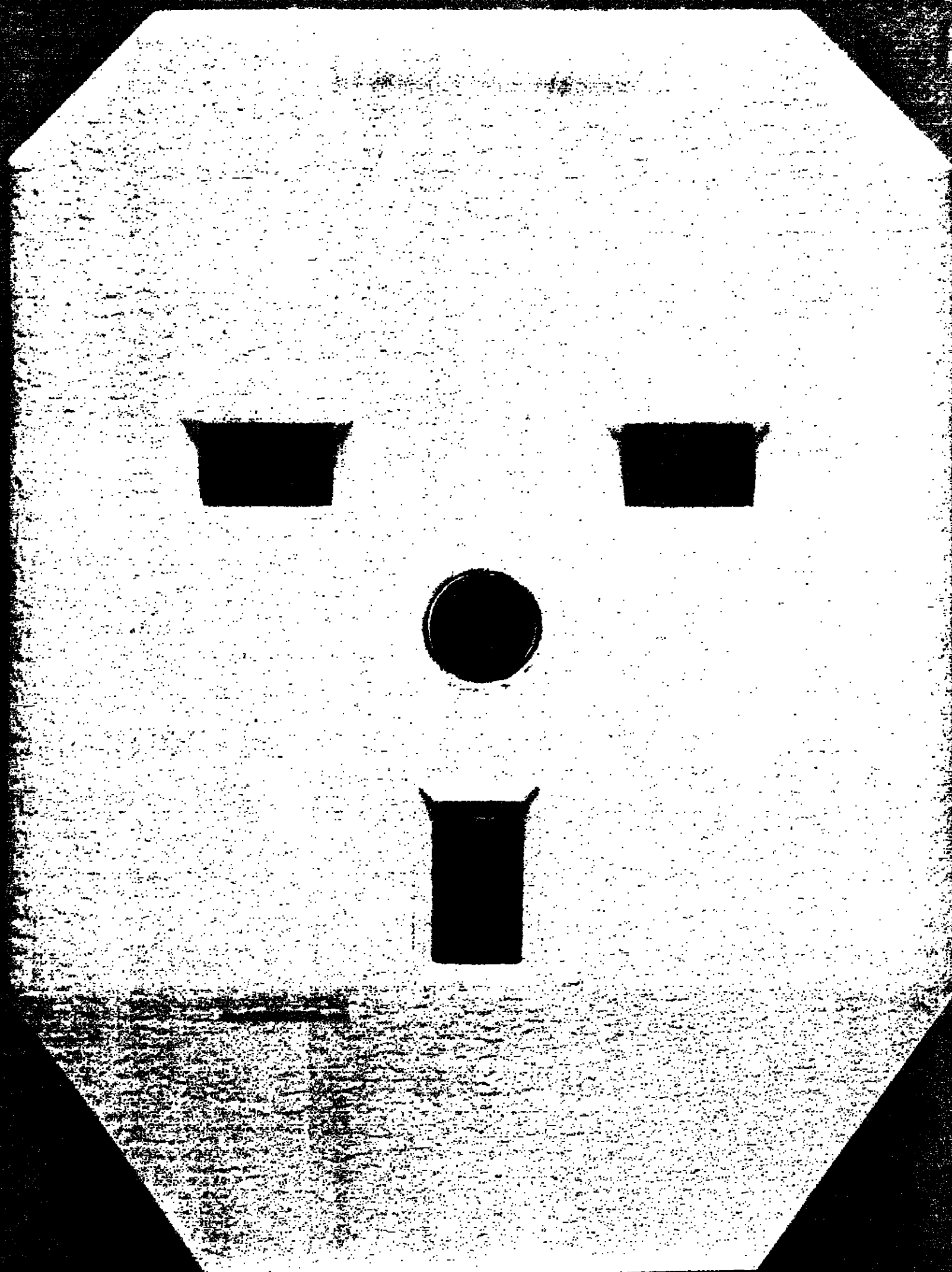
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Nurses allowed sex offender to play with girl, 8

STAFF at Ashworth Special Hospital on Merseyside allowed an eight-year-old girl to play unsupervised with a sex offender and turned a blind eye to drugs and hardcore pornography rings, a public inquiry was told yesterday.

John Royce, QC, counsel to the inquiry, said the allegations made by a former inmate who absconded last year had been substantiated by an internal report.

The public inquiry, set up in February by Stephen Dorrell, then Health Secretary, into the hospital's 115-patient personality disorder unit, opened in London yesterday. It followed allegations by Stephen Daggett, a convicted sex offender, that drugs and pornography were freely available, security and searches were cursory and that paedophile activity within the unit was commonplace.

Daggett absconded from Ashworth last year while on a shopping trip with a nurse. He withdrew £1,500 and travelled to Belgium and Holland, calling the hospital from a bar in Amsterdam. He claims he ran away to draw attention to failings at Ashworth. Mr Royce told the inquiry. On his return, Daggett was transferred to Rampton Special Hospital.

An internal inquiry into the claims, chaired by Stephen

A public inquiry has been told lax attitudes gave patients control, reports Mark Henderson

Keown, rehabilitation services manager, found that the eight-year-old daughter of a former patient who was involved in smuggling pornographic videotapes into the hospital had been left alone with a convicted sex offender. Mr Royce said the internal inquiry had been unable to confirm whether she had been abused.

Mr Keown's report found evidence of regular drug use, hardcore pornography and a cavalier attitude to security. Mr Royce said. One patient had a high-quality video recorder used for copying pornographic cassettes and another had linked four video recorders in his room without being challenged. A search of the shop on Lawrence ward found 41 hardcore pornographic videos, and a search of patients' rooms uncovered 831 tapes, 225 from one patient. Most were blank, but a power surge after the shop search suggest-

ed they had been hastily wiped, Mr Royce said.

Observation windows in bedrooms and lavatories were shielded with curtains and room searches were perfunctory. One nurse would borrow a pornographic magazine in return for saying that he had searched a patient's room, the inquiry was told. Patients were often able to get access to illicit cash, and one was discovered running three businesses from his room, including a travel company.

Mr Royce told the inquiry that a trusting attitude to patients had allowed them to manipulate the rules. "The patients had gained such control that their empowerment was anti-therapeutic. It is a woeful tale and it should not have been allowed to happen."

The hospital had failed to learn the lessons of previous inquiries into two murders of patients and the taking hostage of a psychologist. "Recommendations were not implemented, report after report after report," he said. "Serious questions need to be asked of how this state of affairs arose and why it was allowed to continue."

A previous public inquiry chaired by Sir Louis Blom-Cooper, QC, found evidence of sex, drug-taking and cruelty to patients. This inquiry, chaired by Peter Fallon, QC, a retired judge, will report next year.



Work under way on the Greenwich dome. The exhibition will help to market the country as forward-looking, Mr Mandelson said

Dome 'worth £1bn for rebranded Britain'

By PHILIP DELVES BROUGHTON

THE Millennium Exhibition in Greenwich will contribute up to £1 billion to the economy and help to modernise the nation's image, Peter Mandelson said yesterday. At a Design Council conference titled *Does Britain need a new identity?*, the Minister without Portfolio said that the country needed to shift "from defining ourselves by our past to defining ourselves by our future".

The New Millennium Experience would attract more than 12 million

visitors to the Greenwich dome in 2000, he forecast, of whom more than two million would be tourists. "All of them will go home with an exciting and enticing story to tell about the new Britain. And they will make a massive contribution to Britain's economy, a halo in terms of the marketing of Britain that could be worth up to £1 billion."

"The dome will stand as an international testament to our nation's standing—modern, fair and strong—in the contemporary world as well as to the

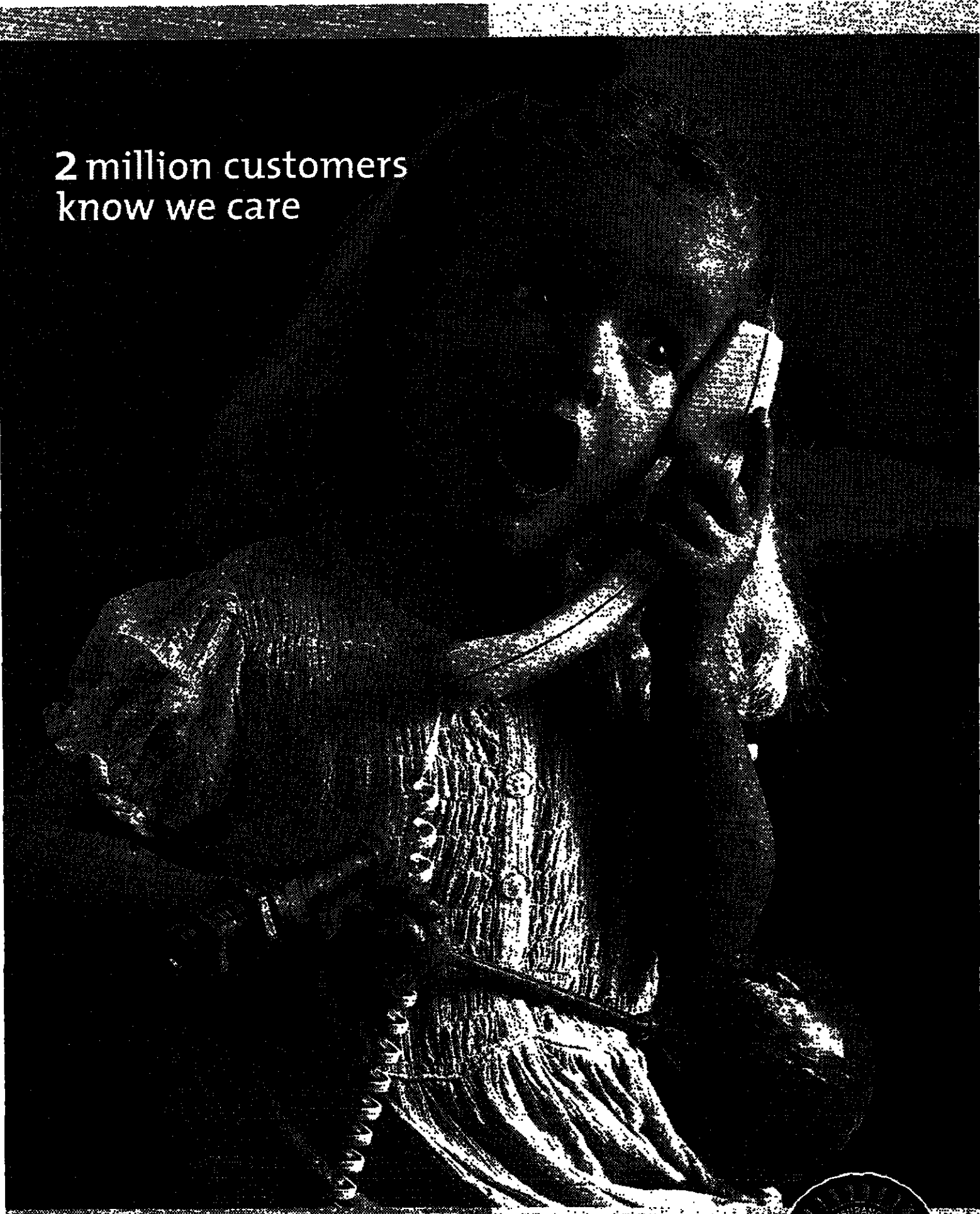
quality of British design and ingenuity," Mr Mandelson, the minister responsible for the project, said that Britain's new identity should be that of a forward-looking nation still cherishing its traditions. He added: "No one should doubt the role that the monarchy can play in refashioning Britain's brand image. It, too, is modernising itself for the 21st century and becoming a potent symbol of Britain's new identity."

Geoff Mulgan, director of the independent think-tank Demos, said the

"rebranding" of Britain was urgent, and that a positive, easily-recognisable brand image could give added value to a country as well as a company. Lord Feyton of Yeovil, a Tory peer, told the Lords that the Millennium dome was "a massive monument to the conceit and vanity of those who conceived it," and he was surprised that Labour had decided to continue with the idea which originated under the previous Government.

Leading article, page 19

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Millennium fund offers £15m to good citizens

By DAMIAN WHITWORTH

THE Millennium Commission will announce today that £15 million of National Lottery money is to be given to "ordinary people to do ordinary things". The commission wants to focus attention on humbler projects to reduce controversy over the Millennium Dome.

Chris Smith, the Culture, Media and Sport Secretary, will announce that 14 charities are to be made Award Partners and will run schemes to help individuals with work in their communities.

The Pre-School Learning Alliance will receive almost £2.8 million to encourage parents and grandparents to work on learning projects with children and Age Concern will get £2.2 million to help those over 50 work with young people. The British Council will be given more than £2 million to send young adults abroad for a project that will be of local benefit



Smith: enlisting charities to manage local projects

active citizenship: "We think that enabling ordinary people to do ordinary things is in the spirit of the millennium celebrations. People of whatever ability will be able to improve themselves and put something back into their community."

Mr Smith said: "The Millennium Commission is committed to offering communities the chance for rejuvenation and a vision for the future, through investing in people of all ages, backgrounds and abilities."

The other Award Partners, who will distribute cash to about 5,500 individuals, are Community Service Volunteers, Peabody Trust, Seaman Trust, Millennium Forest for Scotland Trust, Quest Trust, Northern Ireland Environment Link, Suffolk Acre, Tower Hamlets Summer University, British Association of Settlements and Social Action Centres, Catholic Fund for Overseas Development, and Voluntary Action Cumbria.

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Saboteurs warn of extremism over hunting ban delay

HUNT saboteurs threatened to step up their activities yesterday after the Government announced that it would not find time for a Private Member's Bill to ban foxhunting.

A Downing Street spokesman said the Government had a busy legislative programme and would not disrupt it for Michael Foster's Bill, which is being published tomorrow. The announcement confirms earlier briefings.

Paul Gammon, spokesman for the Hunt Saboteurs, said that the decision would give hunt saboteurs even more justification for disrupting foxhunts. "We expect our activities to increase enormously if the Bill is suppressed or delayed, because people won't stand for it and that is the last thing police forces need. Any delay on this legislation opens the doors from extremists on both sides."

Animal welfare campaigners refused to be daunted by Downing Street's announcement. The Campaign for the Protection of Hunted Animals insisted that the Government could still be persuaded to change its mind if enough MPs supported the Bill at its second reading on November 28.

Kate Parminter, a spokeswoman for the campaign, said: "We still believe it offers the best chance to end the

Jill Sherman on the Government's lack of support for a bid to curb blood sports

cruel and unnecessary sports of hunting with dogs. This is a piece of private legislation, not a government Bill. It is the vote at the second reading on November 28 which counts."

MPs will be given a free vote on the second reading of Mr Foster's Wild Mammals (Hunting with Dogs) Bill. Tony Blair, who is in favour of a ban on hunting, will vote for the Bill, according to his aides. But the Bill is expected to be blocked after the second reading because the Government will not allow the necessary time for debate for it to get through its Commons stages.

Downing Street strenuously denied reports at the weekend that business managers might have to make time for the Bill if enough MPs vote in favour of it. However, they did not rule out anti-hunting legislation before the next general election.

Mr Blair wants to avoid an embarrassing showdown in the Lords where the heredi-

tary peers would be likely to turn out en masse to oppose the Bill. He is also concerned about the strength of public opinion in rural communities. By the pro-hunting lobby has attracted huge support for rallies, including one in Hyde Park attended by 100,000 people this summer.

But according to a MORI poll to be published today, voters in rural areas support a ban on hunting by a margin of almost two to one. Several members of the Cabinet are also in favour of imposing a ban, which is long-standing party policy, and it is likely that legislation will be introduced later in this Parliament. A survey last week showed that almost 75 per cent of Labour's 402 MPs, including 11 Cabinet ministers who responded, backed the Bill.

One option is to delay legislation until Labour has introduced its reform of the House of Lords and removed the voting rights of hereditary peers. Another is to include the ban on foxhunting as a single clause in a government Bill that commanded cross-party support.

Mr Foster's Bill would impose maximum six-month jail sentences and fines of up to £5,000 for huntmen and anyone who allowed hunting on their land. But the Labour MP for Worcester has emphasised that first-time offenders would



The hunt goes on: opponents of the sport are likely to be kept waiting for a ban

not be likely to face the maximum penalty.

Country sports campaigners say that banning hunting would risk thousands of jobs, including those of kennel maids, stablehands and blacksmiths, and open the door to

halting falconry and angling. Janet George of the British Field Sports Society said the Bill would fail if it reached the Lords, where it would face strong opposition from land-owning peers. She said the measure was ludicrous and

had nothing to do with animal welfare. "This Bill makes the Dangerous Dogs Bill look like sensible legislation. What does the farmer do who finds the heads of his lambs bitten off by a fox? Farmers have always controlled foxes on their land."

Tories could learn from Labour's past

WILLIAM HAGUE appears to be welcoming, rather than avoiding, the deep split which has developed within the Tory party over the single currency. The language from the Hague camp is increasingly bellicose since a row over Europe is probably inevitable. It is better to get it out of the way now, in the first year of the Parliament.

That is the only way to read the leadership's response to recent events and Mr Hague's own comments in Paisley last night: "I would rather people resigned so that we have a united team, and so we can get a clear message across to the country. I want to sort this thing out now and not in a few years' time."

No one disputes that the Tory party is deeply divided on monetary union, nor that a clear majority both of the parliamentary party and of Tory members back Mr Hague's opposition to British entry. The question is more one of party management. Could the current civil war have been avoided?

It is tempting, but usually misleading, to believe that such bust-ups are carefully planned. But what we have seen in the past ten days is more a release of pent-up tensions. The resignations of Ian Taylor and David Curry, and the intervention of Michael Heseltine on the Today programme last Thursday, were not coordinated. They were individual decisions. The difference from the past is that pro-Europeans publicly backed up their colleagues.

The leadership approach — at least since the Shadow Cabinet line was firmed up 12 days ago — has been uncompromising. Just as Mr Heseltine and Kenneth Clarke have dropped their previous coded language, so the Hague camp has not attempted to build bridges. For instance, it would not be hard to devise a formula to avoid a split over the second reading next week of the Bill implementing the Amsterdam treaty — via a reasoned amendment regretting the Government's decision to sign up to the social chapter. Most of the pro-Europeans would happily back this approach. But some of Mr

Hague's aides have been sounding deliberately confrontational, almost daring more frontbenchers to resign in the hope of purging the party of the pro-Europeans.

The underlying strategy is not just to have a row now but also to marginalise the pro-Europeans (dismissing them as ageing has-beens) ahead of fighting the next general election on a save-the-pound platform.

Leaving aside doubts about the wisdom of deciding such a policy so early in a Parliament, it has seldom made sense for leaders to pick a fight in this way. Neil Kinnock's battles with Militant in Liverpool and Tony Blair's with union leaders were with unpopular figures. Mr Heseltine, Mr Clarke and their allies are not. They may be anathema to headline sceptics, but they are still central to the Tory party's public credibility.

The trouble with current Tory leaders is that they

RIDDELL ON POLITICS

have short political memories. If they remembered the early 1980s — or talked to Labour survivors of that era — they would have thought twice about embarking on this approach. The last time that I heard MPs from the same party talking so venomously about each other was during the first half of the 1980s (leaving aside the SDP in 1987-88 during its merger with the Liberals). With wild talk of expulsions and withdrawal of the whip, there are also similarities with the Bevanite rows in Labour in the 1951-55 Parliament.

The closest Tory parallels are with the internal battles over tariff reform 90 years ago. I still do not think the Tory party will split — though some MEPs have discussed the option of breaking away. However, the recriminations look like getting a lot worse. Labour leaders can hardly believe their luck after the shambles of a fortnight ago.

PETER RIDDELL

IN PARLIAMENT

TODAY in the Commons: questions to Scottish ministers, the Leader of the Commons and the Commons Commission; Prohibition of Bull Baiting Bill, first reading; Opposition debate on government proposals for student finance; Opposition debate on "the countryside under

siege"; short debate on roads in East Sussex.

In the Lords: Local Government (Contracts) Bill, third reading; Plant Varieties Bill, report; Social Security (Lone Parents) (Amendment) Regulations; debate on Scottish university fees.

MPs reject peers' changes to gun law

By POLLY NEWTON

THE Government cleared the way last night for a total ban on handguns as MPs blocked an attempt by the Lords to exempt certain sportsmen.

Peers voted last month to allow disabled shooters to continue using small-calibre handguns and to permit target training for international competitors at approved centres. But their amendments to the Firearms Bill, which was introduced after the Dunblane killings, were overturned.

Alun Michael, the Home Office Minister, said the Government did not believe that disabled shooters would pose a threat, but their weapons could be stolen by others.

The Lords amendment on the disabled was overturned by 291 votes to 155. The one on international competitors was defeated by 292 votes to 160.

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Ex-MI6 man accused of trying to sell secrets book

Former officer remanded on security charge, reports Michael Evans

A FORMER MI6 officer was remanded in custody yesterday accused of trying to publish a book about his work with the Secret Intelligence Service.

Richard Tomlinson, 34, was accused under Section 1 of the Official Secrets Act after Special Branch officers travelled to Australia where he had allegedly sent a publisher a synopsis for a book. He was charged with disclosing "without lawful authority, information to another which had been in your possession by virtue of being a member of the SIS".

Reporting restrictions at Bow Street Magistrates' Court, London, were lifted at the request of Mr Tomlinson's legal team. A request for bail for Mr Tomlinson, who has dual British and New Zealand nationality, was rejected.

Dru Sharpling, for the Crown Prosecution Service, said an adjournment was needed to seek the consent of the Attorney-General for the prosecution and to allow police inquiries to continue.

Mr Tomlinson worked as a management consultant in the City before joining MI6 as a probationary intelligence officer in 1991. Ms Sharpling said that after leaving the service in 1995, Mr Tomlinson made it clear to his former employers that he wanted to "commit his experiences in SIS to writing" and notified his former employers. An injunction was taken out to stop publication.

However, after a report in *The Sunday Times* that he had sent a manuscript to a literary agent, further injunctions were obtained and the manuscript was "delivered up", Ms

Sharpling said. In February this year an agreement was reached with Mr Tomlinson that he would no longer disclose information about his past work but in May it was discovered that "he might be intending to write a book and to give that book to publishers in Australia".

Ms Sharpling said that Special Branch officers were sent to Sydney to interview a publisher "who was able to give direct evidence of Tomlinson's intention to publish his manuscript". Police feared he would continue to attempt to publish, possibly on the Internet. Given bail, Mr Tomlinson might flee abroad, having contacts and money.

Owen Davies, for Mr Tomlinson, said: "This is not in any shape or form the case of a person knowingly or unknowingly betraying secrets to an enemy. This is a man who has in the past had a disagreement with his employers purely arising out of his employment and its termination. It is not a man who is dangerous to his country."

Ronald Bartle, the Metropolitan Stipendiary Magistrate, ruled that Mr Tomlinson should be remanded in custody for a week. He also agreed with Ms Sharpling's request that no picture of Mr Tomlinson should be published because he had been an operational intelligence officer.

After the hearing Mr Wadham said Mr Tomlinson had tried to take his former employers to an industrial tribunal but had been prevented after a ministerial certificate had been signed by Malcolm Rifkind, then Foreign Secretary.



Ian Vosper stands proudly beside a range of his firm's "eco-friendly" coffins, which come in flatpack kits, using board made from recycled timbers. The biodegradable coffins are spearheading his firm's attempt to lead an export drive aimed at those who want to be environmentally sound after death (Nick Nuttall writes).

Paper stuck to the outside gives finishes such as "oak" and "knotted antique pine". The Governments of Mexico

Green export drive that wants world to die British

and Angola have expressed an interest in the coffins, which sell for about £130, against £275 for more traditional versions.

Mr Vosper, who wants to expand his Eco-F coffin company in St Ives, Cornwall,

said that its adverts on the Internet had been spotted by potential purchasers from Texas to Australia.

He added: "The Mexican Government provides funerals for about four fifths of the population. We are talking

about 610,000 funerals a year." He claims that he could create 30 new jobs if he finds the backing to increase production.

The coffins are said to be biodegradable down to the glue, and up to 50,000 are

now sold in Britain each year. Nicholas Albery, of the the Natural Death Centre in northwest London, said that cremation was felt to create hazardous pollution, whereas burial in a woodland or other location added goodness to the soil and was far less costly.

A burial shroud was even cheaper and greener. At least one local authority, Carlisle, was offering such a service, with the body lowered by ropes on a board.

Two face court martial over robbery claim

By ADAM FRESCO

TWO British servicemen who escaped a possible flogging in Singapore after allegedly robbing a taxi driver faced a court martial in Britain yesterday.

Richard Britten, a Royal Marine, and John King, a soldier, were saved from 12 strokes of the cane and up to 14 years in jail after discussions between British Consulate officials and the Attorney-General in Singapore.

After an evening at a nightclub the two men, who were part of the Ocean Wave deployment to the Middle and Far East, were said to have taken a cab back to the Royal Fleet Auxiliary ship *Sir Galahad* at around 3am on May 3

this year. As they reached their destination they questioned the fare. One of them grabbed the driver around the neck from behind while the other went to the driver's door and robbed him of about \$540 (£15).

Commander Nick Hawkins, for the prosecution, said. The two men ran away and the driver, Huat Chin Tong, 54, called police on a mobile phone.

Commander Hawkins said: "Britten sat behind the driver with King on his left, but they swapped seats and Mr Tong became suspicious and adjusted the mirror to get a good look at the men. King grabbed him from the back around the neck while Britten removed his money from his shirt pocket."

When police arrived Mr Tong drove around with them and spotted the accused by a canal lying on their backs. They were arrested and Mr Britten was found to have \$543, the court martial at HMS Nelson was told.

A few days later the pair were picked out at an identity parade by Mr Tong, who was examined by a doctor and found to have bruising to his neck and chest. On May 13 both men were charged.

Mr Tong said: "I felt the one behind me grab hold of me around my neck. I felt it was difficult to breathe so with both my hands I tried to free myself from his hold. He had me in an arm lock. I could only see the roof of my taxi

and I felt someone take my money from my shirt pocket."

The two men both denied the offence and said they had taken another taxi to a different area to get some food but decided to walk back. They became lost, so agreed to wait for daybreak by the canal.

Britten, 22, who serves with 847 Naval Air Squadron at Yeovilton, Somerset, and King, 20, from the Royal Electrical and Mechanical Engineers at Middle Wallop, Hampshire, both deny robbery. The men come under the Naval Discipline Act because they were serving on board a deployed ship.

The court martial is expected to last four days.

Constable country invaded by mobile telephones

CONSERVATIONISTS have lost their battle to safeguard one of the most famous landscapes in the country from a mast for mobile phones.

Four major cellphone companies — Orange, Vodafone, Cellnet and Mercury — have been given permission by a government inspector to erect a relay mast in Dedham Vale, on the Suffolk-Essex border, known as the heart of "Constable country".

The inspector, Charles Hoile, whose decision has overturned a local authority ban, and is being backed by the Environment Secretary, John Prescott, said: "There would be some diminution of the beauty of the landscape in an area of outstanding natural beauty. What may be considered the showpiece views in terms of the Constable connection would not be affected."

But the decision has angered local residents and politicians. Bernard Jenkin, the Conservative MP for North Essex, said: "I am deeply depressed and angry about this decision. The timeless interests of rural England are being sacrificed for a few minutes' mobile phone conversation on the A12. It is ridiculous."

"Ministers will come to regret this decision which means that no corner of the countryside will be protected from telecommunication masts."

The MP Tim Yeo, whose constituency includes the Suffolk side of Dedham Vale, said: "There is widespread concern about the environmental damage caused by the proliferation of these masts in rural areas."

"The rapid growth of the mobile phone industry has led to a huge increase in the number of masts which are often unsightly and situated in highly visible positions. Under planning rules a lot of masts are being built without proper local scrutiny and there is no protection against visual intrusion."

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Perot: angry at blow to funding reform

Perot to throw his votes to Clinton

FROM BRONWEN MADDOX
IN WASHINGTON

ROSS PEROT'S Reform Party will throw its weight behind the Democrats in next year's congressional elections to "punish" the Republicans for sinking efforts to reform campaign finance laws.

The announcement by Mr Perot, the Texan millionaire who founded the Reform Party and ran for President in 1992 and 1996 on a platform of balancing the budget, could give President Clinton's Democrats a boost in their bid next year to regain control of the House of Representatives. Financially out-gunned by the fund-raising power of the main parties, Mr Perot is furious at last month's decision by Trent Lott, the Republican leader of the Senate, to block the McCain-Feingold Bill, the only recent piece of legislation to stand a chance of reforming campaign finance rules.

This week Mr Perot said that he will no longer fund his party but spend money on lawyers to push Bills for campaign finance reform. His party plans to run candidates against 40 to 50 Republican House members. The Republicans have an 11-strong majority of the 435 Representatives.

Giuliani's express heads for presidency

RUDOLPH GIULIANI, the Mayor of New York, has been campaigning round the clock to secure a landslide re-election victory today which could launch him as the Republican Party's "Great White Hope" for the presidency.

The pugnacious former prosecutor, the first Republican mayor of this overwhelmingly Democratic city in a generation, evidently believes Frank Sinatra's old adage: "If you can make it here, you'll make it anywhere."

With his popular crack-down on "quality of life" crimes, he has amassed a 20 to 25 per cent lead that has left his Democratic challenger, a local politico named Ruth Messinger, struggling for name recognition. Even the liberal *New York Times* endorsed his bid for a four-year second term enthusiastically.

Tart-tongued Mr Giuliani is uncharacteristically coy when asked if he intends to seek the Oval Office. "It would be my intention to serve out the full four years," he said. "I can't rule out options in the future." But a New York law imposing a two-term limit on its mayor has set tongues wagging about what the indefatigable Mr Giuliani, now 54, would do if forced to retire in 2001.

He built his spectacular poll lead despite plenty of New Yorkers professing that they do not even like him. Yet his personality is uniquely New York. An Italian-American Catholic from Brooklyn who is married to a local television newscaster, he rejoices in the pleasures of opera and pizza. He has become the city's loudest cheerleader for the New York Yankees, who returned the favour last year by

A landslide in New York could

boost Mayor's ambition, writes

James Bone

winning baseball's World Series in what many saw as a further sign of the city's renaissance.

It is the precipitous cut in crime that has really earned grudging respect, even in poor black and Hispanic neighbourhoods. During his first term, city crime fell by 40 per cent and murder dropped by 60 per cent to below 1,000 a year for the first time since the late 1960s.

As a federal prosecutor in the 1980s, Mr Giuliani, who once considered becoming a priest, brought down Mafia chieftains and Wall Street swindlers alike. As mayor, he has waged battle against anyone who interferes with the "quality of life".

Recently, he seems to have been seeking a national, if not international, stage. He has visited Boston and Washington to tell of his successes, and picked fights with visiting foreign dignitaries such as President Jiang Zemin of China and Yasser Arafat, the Palestinian leader.

However, some Republican figures fear that he could be too "ethnic" for a national campaign. Outspoken support for immigrants and a pro-choice position on abortion put him outside the party's mainstream.



An illustration in an 1812 book, *Journal of Voyages*, shows Captain William Clark and Meriwether Lewis holding a council with Indians

American TV blazes the pioneer trail

FROM BRONWEN MADDOX
IN WASHINGTON

BUCKSKIN costumes, muzzle-loading rifles and antique swords and dugout canoes are the paraphernalia as America rediscovers the romantic tale of Lewis and Clark, the explorers who first penetrated and mapped the western wilderness.

A four-part television series today and tomorrow coincides with an explosion in the "Lewis and Clark" cult, as adventurous holidaymakers rush to retrace the pioneers' steps. Ken Burns, the producer, calls the 4,000-mile round trip to strike a passage through the Rockies to the West Coast "the ultimate American road trip".

Even these days, the route goes through some of the wildest regions, graced with evocative names: Snake River, the Bitterroot and Lost River mountain ranges. Thousands are rushing each year to retrace the Lewis and Clark trail, and their numbers are expected to rise steadily before the bicentennial in 2004.

Mr Burns has portrayed the original journey as a symbol of national unity, one of the earliest threads that

tyed the continent together. But the aim of Captain William Clark and Meriwether Lewis was more modest: to find out what was there.

Their expedition across the North-West, which lasted from 1804 to 1806, was authorised by President Jefferson

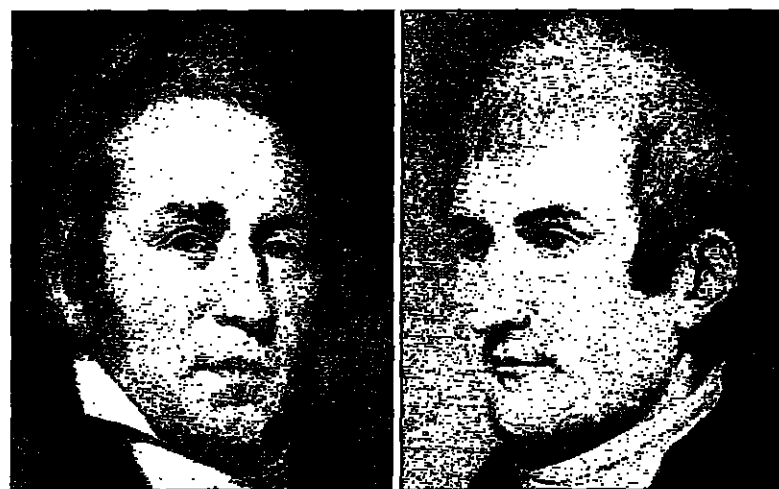
and Congress in the wake of the Louisiana Purchase, the acquisition from France of the huge tract of land west of the Mississippi which doubled the size of the just-created United States. What is now America's heartland — Missouri, Kansas, Nebraska

and North and South Dakota — was then unknown territory, controlled by the Sioux and the Shoshone, while the 14,000ft-high Rockies posed an obstacle few had surmounted.

The cult has been fired by the meticulous journals of the explorers, who used the enforced halts of long winters and storms to note every step. A book by Steven Ambrose, *Undaunted Courage*, which draws heavily on the journals, has stunned the publishing industry by selling 800,000 copies.

Even attempting to retrace the route by car can take two weeks. The "trail" is something of a misnomer, as much of the original journey took place by water. Visitors are forced to seek out dirt tracks in Idaho and Montana, under snow for much of the year, to follow a comparable route.

Ironically, the Lewis and Clark cult is yet one more sign of the "yuppiefication" of the Wild West. Residents of the western states have long complained of the inroads made by "cappuccino cowboys". They now fear that, two centuries after Lewis and Clark, America's still astonishingly empty wilderness will finally fall to tourism.



Clark, left, and Lewis, in their expedition of 1804-06, were the first explorers to travel and map the western American wilderness

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Burkina Faso	66p	£1.35	51%	Liberia	58p	£1.32	56%	Swaziland	40p	£1.31	69%
Cape Verde Islands	67p	£1.35	50%	Macao	53p	£1.08	51%	Sweden	14p	28p	50%
China	54p	£1.08	50%	Malawi	60p	£1.31	54%	Taiwan	46p	£1.08	57%
Colombia	67p	£1.35	50%	Malaysia	37p	77p	52%	Tanzania	65p	£1.31	50%
Comoros	65p	£1.31	50%	Maldives	67p	£1.35	50%	Turkey	33p	67p	51%
Cyprus	33p	67p	51%	Marshall Islands	60p	£1.35	55%	Tuvalu	67p	£1.35	50%
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Interview by **Moira Petty**

He is not, he says, a "natural" writer, and probably produced 20 drafts of his latest book, *Vanishing Point*. "I can't understand writers who refuse to take criticism," he says. "My agent forced me to put love scenes in and I found that difficult. I kept thinking

'One day my parents saw a headline saying that my tortured body had been found'

Francis exploits horse racing." He has the support of various Gulf War veterans' associations, which originally sought his involvement in their fight for compensation for GWS. The case is complicated, he points out, by the fact that

Nichol was initially sceptical about GWS. "I thought they were trying it on. Many of these people I now regard as friends. Once you ask around, it's amazing how many have been affected. It was incredible the lengths to which the last

and exponents of the techno-thriller, such as Tom Clancy. His bookshelves, he says, contain everything from *The Penguin Book of Golden Retrievers* to the *Playboy* book of covers, taking in the autobiographies of Andy McNab and Andrew Neil.

His father was an accountant for a shipyard and scrimped to pay fees when the grammar school attended by Nichol's two elder brothers became fee-paying. "I've never heard my parents argue. I had a cooked breakfast every day and my mum was always

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Kinsey creates his sexual Utopia



In our second extract from his biography of Alfred Kinsey, James H. Jones reveals the researcher's increasingly compulsive attempts to build his own private world of erotic freedom at the Institute

Alfred Kinsey lived in fear that his health would fail and that he would die before his life's work was completed. Anxious, driven men often behave irrationally. Kinsey was no exception to that rule. As his level of frustration rose, his private behaviour became more erratic and compulsive, erratic and compulsive enough to elevate sharply the risks he took in his hidden life.

Following the publication of *Sexual Behaviour in the Human Male*, Kinsey attempted to build a private world that would provide the emotional support he needed. Within the inner circle of his senior staff members and their spouses, he endeavoured to create his own sexual Utopia, a scientific subculture whose members would not be bound by sexual taboos. What he envisioned was in every sense a clandestine scientific experiment, if not a furtive attempt at social engineering: unfettered sex would be the order of the day. Although he excluded children categorically, Kinsey decreed that within the inner circle men could have sex with each other, wives would be swapped freely, and wives, too, would be free to embrace whichever sexual partners they liked. Kinsey further ordained that a handful of trusted outsiders would be taken into their confidence and admitted to their scientific subculture.

Bringing in outsiders was "absolutely essential for Kinsey to achieve sexual satisfaction, as no other member of the inner circle could fulfil his masochistic or homosexual desires, although Wardell Pomeroy, a colleague, was willing to play-act to meet Kinsey's needs. The problem, though, was that the sex between Kinsey and Pomeroy had gradually lost its erotic charge. A man who knew both Kinsey and Pomeroy intimately declared: "Wardell is fundamentally not SM; he's experimental." Thus, Pomeroy's performances, however well intentioned, were staged and unconvincing, lacking the erotic power of the genuine article. Kinsey had to look elsewhere for sexual partners who could meet his peculiar needs, and locating them was no easy matter. "Kinsey thought sadomasochists were the most frustrated people in the world because of their difficulty in finding each other," wrote Pomeroy. What Pomeroy did not say, of course, was that Kinsey was speaking from experience.

But find suitable partners Kinsey did, and one of these outsiders, whom we shall call Mr Y, gave a detailed account of their relationship and with other members of the inner circle as well. Mr Y was a

handsome young professional with a diverse sexual history that included sadomasochism and extensive homosexual contacts. When Kinsey took his history, Mr Y was awed by Kinsey's gift for putting people at ease. Some time later, during one of Kinsey's visits to the West Coast, where Mr Y lived, the two men were in Kinsey's hotel room when something extraordinary happened. "I told him I had a fantasy of having sex with him, with no idea in mind except to report it," Mr Y later recalled, "and he sort of said 'Take off your clothes.' So I did and we started right there. So every time we met from then on, we had sexual contact."

Mr Y, at Kinsey's invitation, made several trips to Bloomington for consultation and sex. Referring to the Institute's senior staff, Mr Y declared: "I also had sex with everybody else around there, too." That included members of both sexes. Mr Y had fond memories of copulating with Clara and Martha, Pomeroy's wife, and equally warm recollections of their husbands.

Mr Y was surprised by how liberated Clara was. "She looked like she was a little pipsqueak, you know. Her hair was straight, and she didn't look like she was all loose or open, and she was open as hell." Looking back, Mr Y was struck by the total absence of possessiveness and jealousy in the Kinsey household. Awed by what he called "the real durable love between the two of them," Mr Y observed: "They totally accepted what the other one did." Not that Clara had much choice. "Kinsey once said 'The reason she does it is that she knows when I make up my mind to do something I do it,'" recalls Mr Y. "And he didn't say that threateningly, added Mr Y. 'It was just a fact.'"

There was something grim in the way Kinsey was approaching sex, not only in his private life but in his research. In both areas, he was becoming more compulsive, like a man who had become addicted to risk taking. The sexual escapades in his attic were political dynamite. If the press had known what was happening, Kinsey's career would have ended then and there. Yet not only did he go on staging these sessions but he compounded the danger by filming many of them.

Not everyone was content to be filmed. One staff wife told an interviewer: "I felt like my husband's career depended on it." That charge would have saddened Kinsey. His self-image was not that of a man who coerced people. Kinsey had a gift for making outrageous requests



Alfred Kinsey, seated centre, had sex with various employees, including Wardell Pomeroy, standing hands clasped. He also encouraged staff to have sex with each other

appear reasonable. He accomplished this by arguing that because the Institute was investigating sex there should be no shame or guilt or repugnance attached to any sexual activity among senior staff.

From Kinsey's perspective, then, these sessions were part of his struggle to banish inhibitions. One of the keys to understanding his complex personality, insisted a close friend, was that Kinsey "liked to feel that he was absolutely unconstrained by moralistic forms". Yet the members of his inner circle, while technically free to enjoy sexual liberation, had to accept limits on their behaviour. Anyone contemplating an extramarital affair had to clear it with Kinsey.

Kinsey, of course, justified this demand by insisting he had to protect the Institute from scandal. Yet this was not the whole story. Whether through necessity or design, his version of sexual Utopia came with restrictions. True to character, he cast himself not only in the role of sexual liberator but in that of benevolent dictator. And while there was no gainsaying his devotion to sexual freedom, his need for dominance remained strong. Viewed from this perspective, staff members and their wives were not so much participants in sexual liberation as pawns for Kinsey to manipulate and control.

Alfred C. Kinsey A. Public/Private Life, published on November 12 by Norton, £28

THERE was nothing in Alfred Kinsey's background to suggest that he would one day become, in Billy Graham's words, "the man who did more to undermine morality than any other American". Alfred Charles Kinsey was born on June 23, 1894, in Hoboken, across the Hudson River from Manhattan. The Kinseys belonged to the Methodist Church and practised a brand of Methodism that was heartfelt and fiery. Kinsey's father dominated the spiritual life of his household. Every week the family attended Sunday school, Sunday morning services and Sunday evening prayer meetings.

Religion had a profound influence on Kinsey. One could say he was reared in the "nurture and admonition of the Lord", save for one fact — his pious father admonished far better than he nurtured. Alfred Seguire Kinsey acted as head of the house and as God's spokes-

A CHRISTIAN CHILDHOOD

man to his family. Moreover, the family's peculiar dynamics and personalities must have worked their way into Kinsey's image of God, shading his understanding of what would happen if he strayed from the straight and narrow.

As a sickly child, Kinsey could not fit the picture of robust health his culture prescribed for young males. After he reached middle age, he told a friend that he had felt inferior to other boys during his childhood. He tried his best to meet his father's expectations and imposed a strict moral code on himself. Outwardly, he became a model child, yet, try as he might, Kinsey fell short of the mark.

The area of his life which most revealed his inner turmoil was his sexuality. Hidden from the eyes of the world, Kinsey felt his first

sexual stirrings during his family's last few years in Hoboken. "The only homosexual thing he ever mentioned in this early part of his life was in his childhood when there was pre-adolescent sex play with a neighbourhood group," recalled Kinsey's colleague Paul Gebhard. The episode involved the sort of self-exploration and exploration of others common to child development. Gebhard's characterisation of the incident as "homosexual" strongly suggests that Kinsey used this term to describe the incident to him.

AFTER he became a sex researcher, Kinsey reported that adults almost invariably remembered their first sexual encounters as children. In addition, he argued that early experiences often played a pivotal role in

shaping life-long behavioural patterns — not according to a crude form of "imprinting" but in a less rigidly behavioural sense. People who found their early experiences pleasurable, explained Kinsey, tended to repeat them. Kinsey's theories suggest that he traced his own adult sexual interests to this incident in Hoboken.

For most children, exhibitionism and voyeurism are harmless rites of passage. Kinsey was not that fortunate. The episode left Kinsey feeling "very peculiar and rather guilty". How could he have felt otherwise? As the last generation of Victorians, many middle-class Americans of his day felt anxious about sex.

While Kinsey carried parental demands for moral perfection to extremes, Victorian culture required rigid self-control. Kinsey took these demands seriously and could not satisfy them.

A passion for sex

THE same passion that propelled Kinsey as a researcher drove him to get his data before the public.

It was no accident that Kinsey elected to treat men first. As late as 1944, he had collected roughly twice as many male histories as female histories, a skewing that said a great deal about which sex he found more interesting. From both a scientific and personal standpoint.

Enthusiasm for sex was a fundamental tenet of Kinsey's thought, and it rang out loud and clear in his writing. The male volume was a celebration of the "human animal's" ability to find sexual outlets in a society obsessed with controlling and restricting sexual freedom. In the broadest terms, Kinsey showed that Americans were awash in sexual activity, only a small fraction of which was confined to behaviour sanctioned by society.

No book that bore Kinsey's name could ignore the suffering and pain that had cast such a shadow over his life. "Sexual histories," he reported from experience as well as from his research, "often involve a record of things that have hurt, of frustrations, of pain, of unsatisfied longings, of disappointments, of desperately tragic situations, and of complete catastrophe." Of all his findings, Kinsey

No book could ignore the suffering of his own life

ty separated members of the two groups at every stage of their lives.

These chapters were bombshells. They showed that sexual morality in the United States was a sham. Acts expressly forbidden and assumed to be rare were actually quite common, while marital intercourse accounted for less than half of the total number of orgasms most men obtained during their lives.

Because he abhorred the hypocrisy and deceit, Kinsey made certain his readers would never be able to look at each other again in quite the same way.

TOMORROW

The sexual behaviour of women: could Kinsey resolve the tension between his misogyny and his life's mission?

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Love Europe, but loathe the euro

Enthusiasts can still be sceptics on EMU, says Anatole Kaletsky

I have to make a confession. Readers who have followed my work may believe me to be a Eurosceptic. I have argued vigorously against the single currency, the exchange-rate mechanism and everything else connected with monetary union ever since I joined *The Times* in 1990. But the truth is, I am a Euro-enthusiast.

I am fervently in favour of the EU, its deeper integration and its faster enlargement. Last weekend I went with my family to Bruges. I felt my heart miss a beat with excitement as I told my children how wonderful it was that the border between France and Belgium, which had claimed the lives of millions, is now marked only with a sign reading "Bienvenue a Belgique".

I would love to see more European harmonisation in many fields other than border controls. I felt my hackles rising when I had to explain to my children that Britain's clocks are out of phase with the rest of Europe — giving them no time to ride their bicycles after school — because of John Major's cowardly surrender to a bunch of mindless Tory xenophobes who believe that anything that is European must be wrong. I would love to see Brussels set pan-European standards for telephone and electricity sockets — and I deeply resent the difficulties of investing in Luxembourg-based unit trusts or buying insurance policies issued by German or French companies because of advertising restrictions placed on them by Britain's Securities and Investment Board.

A few days after my trip to Belgium, I was in Latvia, explaining to local businessmen and politicians that supposedly Eurosceptical Britain was enthusiastically in favour of European enlargement: the real obstacles to enlargement now come from German politicians determined to protect Bavarian farmers and Brussels officials who see the "widening" of Europe as a distraction from the "deepening" of federal political structures which the single currency is designed to produce.

While I was in Riga, Gordon Brown was announcing the Government's decision to stay out of EMU, but play a more constructive European role. His policy was widely criticised as evasive and ambiguous, but it seemed perfectly consistent to me.

It is possible to support further strides in harmonisation and enlargement, while remaining sceptical about specific projects. One obvious one is the common agricultural policy, which enriches Bavarian smallholders and East Anglian prairie farmers at the expense of destitute peasants in Poland and Lithuania. Now there is an even bigger blight on the horizon: the single currency.

I am enthusiastic about Europe, but profoundly critical of EMU. Perhaps Tony Blair could be persuaded to join the same camp. This would not make him a

schizophrenic, or even a prevaricator. His position would be quite consistent and clear. To put it in a sound-bite, he would be a Euro-enthusiast and an EMU-sceptic.

Now that Mr Blair, to his eternal credit, has announced a settled and unambiguous policy on the single currency to cover the rest of this Parliament, Britain can finally begin a debate about its relationship with Europe which focuses on principles rather than tactics. It is time for other pro-European EMU-sceptics to come out of the woodwork and to prevent the debate being hijacked by manipulative politicians and brain-dead business lobbyists who maintain there is no difference between those who are opposed to EMU and xenophobic little Englanders.

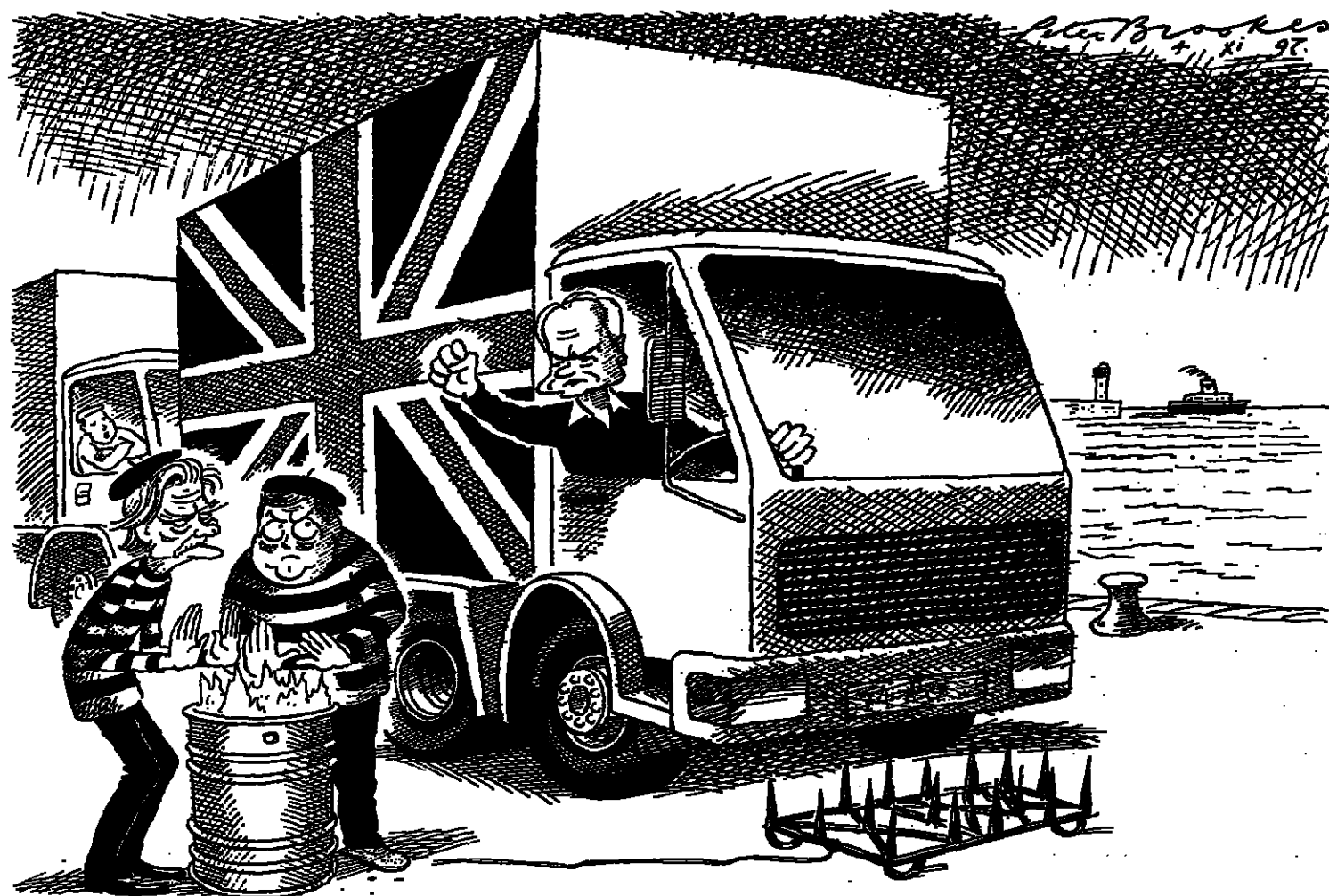
"Do you want the British Parliament subordinated to faceless officials in Brussels?" say the Tory Eurosceptics and the tabloid press. "Do you want Britain to be left behind by Europe?" respond Michael Heseltine and Kenneth Clarke. "Do you want Britain to prosper in Europe and benefit from the single market?" demand the business lobbyists, trade unionists and consensual hack politicians.

These rhetorical questions come from different ends of the political spectrum, but they all have a crucial feature in common. By presenting a false dichotomy between pro-Europe and anti-Europe, they are deliberately designed to distract attention from the real questions.

Is it possible to be in favour of European integration but against monetary union, or at least be very sceptical about this new adventure? And is this combination the right position for Britain?

Could it make sense, for example, to oppose the single currency and yet to accept the principle that Parliament's sovereignty must be shared with European institutions (as, indeed, it already is under the single-market programme)? It is obviously possible to oppose the single currency and still believe that there should be more efficient decision-making and majority voting in the European Council, that foreign and defence policies should be more closely co-ordinated, that the European Parliament be given more powers or Commissioners should be elected, that border formalities should be abolished, or that more money should be spent on enlargement and other projects of transcontinental importance.

It is equally possible to support the single currency on the grounds that all economic decisions should be taken out of the hands of politicians — and be vehemently against the extension of pan-European policies in all non-economic fields. Being an opponent of EMU does not necessarily imply opposition to European ideals or to the institutional development of the EU. It is time for opponents of EMU to reject the Eurosceptic label. We sceptics may turn out to be the real pro-Europeans.



"JUST GET ME OUT OF HERE."

When will we ever learn?

Head to head, this was an object lesson in the need to end educational apartheid

Tonight, a kind of Berlin Wall comes down — or at least is kicked with some vigour by an elegantly shod foot — when BBC2 sends the headmistress of Benenden, Gillian DuCharme, to work for a week as a supply teacher in a tough East London comprehensive at Forest Gate. Prepare to cringe, applaud, laugh, weep, and finally double up and bang your head against the floor in frustration.

It is not that either school is being deliberately shown up. This is not a mischievous exercise in class hostility like the time when Rugby School incautiously allowed the filming of an exchange with a Liverpool comprehensive. The agenda of that programme was plain from the start: out from immemorial lawns to Toxteth, then film Rugby being dimly snobbish with their guests ("Don't you know how to play tennis? Eoww"). It revealed nothing except class mistrust, and we knew about that already.

This film is different because it is about teaching. Although it is duly pointed out that Benenden fees are ten times the budget-per-pupil at Forest Gate, the focus is not on facilities but on classroom tactics. Ms DuCharme, blonde, *soignée* and ladylike, genuinely wants to know what it is like on the other side of the tracks. A high-powered teaching head, she honestly admits to having no idea at all how the majority of her profession operate in modern Britain. Unlike some, she is curious.

Forest Gate's head, on the other hand, expects her to be "prententious" and allows himself jokes about hockeysticks and the name DuCharme. "Very Middle England," he says. "I tell her that his school aspires to the same excellence as hers. They circle one another warily; you know that the headmistress is not going to get away with her ingenious claim that Benenden is a microcosm of society. You wonder what will happen when a woman who teaches three-filtered children — all girls, all bright, all affluent — tries out her art on raw, multi-ethnic, mixed-ability junior Britain. You tremble.

You do right to tremble. Gillian DuCharme's first lesson, "V English, is without qualification the most embarrassing scene to be televised since the episode of *In At The Deep End* when my unwary husband, Paul Heiney, attempted to do a stand-up comedy act dressed in a pinafore and curlers, with a lousy script, in front of

a huge, bored audience who went on talking among themselves.

The teacher has much the same experience. Even after stumbling through the register — "Ah — you must be Nigerian... well, no, not you, British, obviously, I mean, your parents perhaps?" — she can't make the children sit down, can't make them stop talking, is shocked that they haven't bothered to bring their exercise books, baffled by the presence of a support teacher looking after "special needs" at the back, and more than a little terrified that the huge boys in the front row will start a riot. Watching through the door with barely suppressed glee, the real English teacher analyses her mistakes and expatiates on the right way to confront 40 children, from bright to dim, many of whom don't want to be there, don't have parents egging them on, don't expect much of the future.

Mrs DuCharme is undaunted. With magnificent humility she accepts that it isn't the children's fault, or Forest Gate's, but hers. White and shaken, she says simply: "I had the wrong pitch, so my song was unheard." Viewers of a nervous disposition will be relieved to know that her French lesson, with the top set, goes rather better.

What is so fascinating about the exercise is to see teachers at the two extremes communicating, for once, across their Berlin Wall. Normally, there is no forum where they meet. The Secondary Heads Association covers both sectors, but independents rarely turn up, and feel uncomfortable when they do. Yet children are children, learning is learning, and the fact that private and state schools feel no need to communicate is, for my money, downright sinister.

On film, liberated by the cathartic horror of Mrs DuCharme's class, the two groups argue. The Benenden headmistress is appalled by mixed-ability teaching, says flatly that it seems political to her, and argues that special-needs children would do better having special sessions. The

Forest Gate contingent argue back, and are listened to because DuCharme has by now got a healthy respect for anybody who can teach anything at all to 9T. The state teachers — who incidentally give the lie to idle middle-class chattering about their uselessness — criticise her technique. They think she "talks too much", instead of asking, listening, and interacting with the children. This may not be true of Mrs DuCharme on her own ground, but is certainly a familiar fault of teachers in independents. Children who have experienced both systems will tell you that one of the notorious failings of teachers at private schools is a lecturing style, which merely downloads information to docile, well-disciplined note-takers, without ever checking to see whether it means anything to them. On the other hand, it is noticeable that the children of Forest Gate are pleased and flattered at Mrs DuCharme's punctilious politeness. They enjoy being respected. Not all hard-pressed teachers remember that.

So each side has something to learn from the other: and it could be that if this dreadful class-ridden nation could bring itself to unclench a little, then the polarised diversity of British education could be a source of enrichment, rather than just embarrassment.

The Government has shown signs this year of wanting to make this happen. David Blunkett has spoken of partnership; Stephen Byers has attended one independent schools' forum and is on his way to another this month, promising concrete suggestions as to how independents can be of wider use. The Headmasters' Conference, that awesome forum of mutually grooming top-dogs, actually devoted an hour this autumn to a session on "building bridges"; although observers say the general tone was of evasive vagueness and a terror that parents would not countenance more hopelessly IAFS, the prep heads' association, has plans to share

its expertise with primary-school teachers.

Mostly, however, the justification for hanging on to lucrative charitable status rests where it always did — in airy claims that "excellence" is a good cause in itself even when reserved for the children of the rich, and in claims that the Duke of Edinburgh Award Group does jolly good work in the old folks' home and that the sixth form at Gordonstoun runs a fire brigade, so there.

But it's not enough, is it? Back in Benenden, safe amid her green acres, Mrs DuCharme told me it isn't. She has had the London teachers down to visit, received friendly messages from the children she taught there, and does not want to let the matter drop. Nor should the rest of us.

There is plenty of scope for sharing: not only swimming-pools, playing fields, labs, computers and music rooms. If you teach Russian and Spanish and the local comp doesn't, then why not take in keen pupils at a token rate? If Paradise Park prep has persuaded a real astronaut to come and give a lecture, or has a hot-air balloon coming, why not invite a couple of local primary classes round as a matter of course to share the fun? Come to that, why won't the silly beggars even play one another at football, when both have under-11 teams within walking distance? If Swine Street High is a couple of flutes short of an orchestra, why not pick up the phone and swap with St Nob's, which needs basses? Why not pool specialist teachers? Run joint projects? Share a homework club run by sixth-formers?

Barriers to sensible co-operation are obvious, but not edifying. Local authorities are chippy about private schools and... reckon they can do without some Lady Musk's charity, thank you. Paying parents may not want their expensive moppets outshone by nit-ridden incomers who are getting something for nothing. Teachers at independent schools are scared of tough kids, and state school teachers refuse to accept moneyed little beasts as real children with feelings. And so on.

None of it bears examination. What we have in Britain is a curiosity: a small enclave of education, precious in both senses of the word, which could both enrich the mainstream and be enriched by it. And, by and large, it isn't doing either.

Libby Purves

Well suited

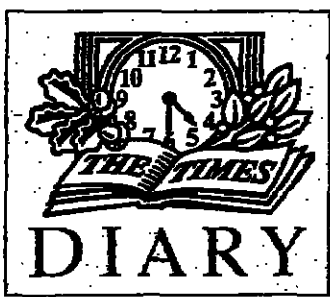
NEW suit, old Britain. Tony Blair is to wear white tie to the Lord Mayor's banquet next week, putting the Prime Minister at odds with his Chancellor who famously — and ostentatiously — wore a cheap lounge suit to the Lord Mayor's Mansion House dinner in May. Mr Blair commands his Cabinet to call him Tony and talks with gusto about how his generation has "moved on" from ceremony — note his cowboy attire at the G7 summit and his lounge suit at Trooping the Colour. Tradition, it seemed, was as archaic as your great aunt's Wolseley. Not so. Before the banquet, a Blair aide might have to

pop down to Moss Bros (white tie £62.80 an evening) to hire a stiff one for the first time since his days in court. "He didn't want to embarrass his host. He is the Lord Mayor's guest, after all," explains a source in his office. No harm cosying up to the City, either. As to whether Mr Blair passes that crucial test of a gentleman — an ability to tie a white bow — Downing Street will not be drawn.

● **POOR** Peter Mandelson. Despite possessing enough tactical awareness to thrash his rivals, he has been hit hard by his failure to win a seat on the NEC. He is now known as "the minister without". Don't worry: it won't last.

Gripping read

AN OCTAGENARIAN peer has proved hearts still beat in the Upper House: he has knocked off his first erotic novel. The title of Lord



Deramore's work. *Still Waters*, suggests promise, but a casual reader might be surprised by the mechanical problems he deals with, including vaginismus.

"It's about a not very attractive girl who has a bad complex about a small bosom," says the sixth baron, now 85. "She falls in love with a married man and when they go to bed, finds they can't have sex. She has frightful cramp." His inspiration, he suggests, came from an article on this awkward condition in this newspaper. Admitting that the book is explicit, he insists his colleagues will not be too shocked. "It is not vulgar," Pause. "At least I hope it's not."

● **OUR** old friend, the German sense of humour has returned. Chancellor Kohl is reputed to be starring in an Air Force One-style

action movie in which he saves Germany, then the world, and in a final twist gets re-elected. The Christian Democrat propaganda film has a working title *Out of Oggersheim* — Kohl's home town. Author's note: Kohl faces a struggle to gain re-election.

In the pink

TONY BANKS, Britain's favourite sports minister who sends Blair's damage limitation team into panic whenever he opens his trap, continues his bold career strategy to-night: he is guest speaker at a London gay pub.

The invitation to fill the inaugural "Talking Heads" spot at the Joiners' Arms in the East End went out to the Member for West Ham after he co-operated fulsomely with Mr David Pollard, its landlord, in a pre-election interview for *Thud*, a pink organ. The minister was coy when I tackled him yesterday. "I don't have the foggiest idea what I will say yet," he admitted. "But I have been a supporter of gay rights for years." Good luck.

Was he kosher?

G. K. CHESTERTON, author of the Father Brown stories, who was

reputedly a right-wing, anti-Semitic, to receive support from an unexpected corner. Gerald Kaufman, the Labour MP and big bagel in the Jewish community, is expected to admit his adoration for the author next week when he delivers the seventeenth annual lecture of the Chesterton Society. Its title? *Father Brown — Brownshirt?* Robert Hughes, the secretary, said: "It is not widely accepted that Chesterton was anti-Semitic. Mr Kaufman is a well read Chestertonian and a distinguished Jew. We hope he will throw light on the subject." As if it really matters.

Howard's end

NOW that her husband is no longer Home Secretary, Sandra Howard is curtail her charitable commitments. Michael Howard's wife, a former model, has worked for the Cancer Research Campaign for more than 15 years. But she was notably absent from its fund-raising bash at Fitzroy Square the other night.

Michael Howard pitched up instead, but he was a poor replacement. "She was too busy to come," he snapped. "She's already done an awful lot for them." She has, I gather, resigned from the appeals committee. "She has not shared



Signing off: Sandra Howard with her innermost reasons for leaving," says a campaigner there. "But she probably thinks it is time to move on." One of the benefits, perhaps, of losing office.

● **SCENE:** William Hague heading towards a door marked "Victim Support Group". Cue: aide dashing over to cover sign. Would a Blair aide have felt the need?

JASPER GERARD

Still a people of the book

Chris Smith says public libraries must remain free

Libraries used to be places where you had to be quiet. Today, with ten million people visiting them once a fortnight, they are full of children learning to love books, business people trawling for commercial information, and granies surfing the Internet. Yesterday, to mark National Libraries Week, I announced a £3 million boost to modernise and improve their services, thanks to a partnership between my department and the Wolfson Foundation. Thirty projects will develop libraries' information technology and strengthen and enhance their educational role.

Existing libraries already have tremendous support within their local communities — witness the way in which neighbourhoods rally round whenever they are under threat. It is this support on which we will build: think of how much more can be done where access is offered — alongside traditional services — to new forms and sources of information.

The launch of the Library and Information Commission's report on information technology three weeks ago was a defining moment. It provides a vision for the future, talking of a service that can reach out to newly available global sources of information, drawing them down to neighbourhood level. It sets out how libraries can help us meet the challenges of the 21st century and ensure that everyone has equal access to the world's treasure house of information. No one should feel excluded from the opportunities provided by the development of new technology, and libraries are the key to achieving that goal.

The cost of transforming libraries in this way will not come cheap. The key lies in developing partnerships between central and local government and the private sector. This is precisely what we intend to achieve: we are already working on it. Bill Gates, of Microsoft, understands this. When I met him at Downing Street recently, he told me that he believed that public libraries were vital to bringing IT to ordinary people in the United States and he has already put some imaginative ideas together to help this process.

The Government's proposals for lifelong learning, and for the development of the National Grid for learning, both embrace public libraries and recognise the role they have in delivering education to everyone throughout their lives. They put libraries back at the heart of our cultural life, where they belong.

All the projects awarded funding today are designed to improve the services provided to the whole range of library users, but I am particularly pleased to see schemes which focus on the unemployed, the disabled and people from ethnic minorities. Libraries are a resource for local communities and should reflect their needs and interests. I want to throw open their doors and get everyone in, whether to borrow books, videos or CDs, or to use computers.

Libraries are, and will remain, one of the lynchpins of our cultural life. They are in a real sense the universities for ordinary people. They can provide access to new communications technology for those who cannot afford such facilities at home. They are the way to ensure we do not turn into a nation of information "haves" and "have nots".

Technological advances will deliver benefits to every citizen and libraries have a key role to play. But information technology, in whatever form, will never actually replace books. You can't, after all, curl up in bed at night with a computer. Books, quite rightly, will always be at the heart of the public library system. And borrowing books from the library must remain a free service.

But libraries must take account of changing public expectations and the challenge of IT. The services they offer must be comprehensive and efficient. I am asking each library authority to prepare an annual library plan, and this week I will send every authority a framework and guidance notes for the preparation of this. The object is simple — to support each authority to develop its service to meet the demands of the community.

During the next few days a range of events will be taking place all over the country to draw people into libraries. They may not be current users. They may not be aware of the collections now on offer. They may have an old-fashioned view of libraries, conditioned by the stereotypes of the past rather than the realities of the present.

In the words of Ross Shimmion, the chief executive of the Library Association, in a recent *Bookseller*: "Libraries can be fun, surprising, relevant, helpful and sometimes vital." They should be all that — and, in my view, always vital.

I believe in a thriving library service. It already provides a valuable service at the heart of our communities. Many people respect and rely on their libraries. National Libraries Week will enable more people to learn more about what their library has to offer.

The author is Secretary of State for Culture, Media and Sport.

COURT CIRCULAR

BUCKINGHAM PALACE
November 2: The Duke of York today visited Northern Ireland and was received by Mr Anthony Worthington MP (Parliamentary Under-Secretary of State, Northern Ireland Office).

His Royal Highness, Colonel-in-Chief, The Royal Irish Regiment, 1st Battalion, visited the regimental museum at St Patrick's Barracks, Rotherham, and was received by Her Majesty's Lord-Lieutenant of County Durham (the Lord O'Neill).

The Duke of York, Colonel-in-Chief, this afternoon attended the Annual Service of Remembrance of The Royal Irish Regiment at St Anne's Cathedral, Belfast, and was received by Her Majesty's Lord-Lieutenant of the County Borough of Belfast (Colonel Sir John O'Neill).

November 3: The Duke of Edinburgh, Founder and Chairman of the International Trusts of The Duke of Edinburgh's Award International Association, today attended the Sixth International Award Forum in Wellington, New Zealand.

His Royal Highness, Life Member, this evening attended a dinner for the Aviation Industry Association of New Zealand Incorporated at the Wellington Club.

November 3: The Duke of York this morning visited the Centre for Industrial and Medical Informatics at the University of Nottingham and was received by Her Majesty's Lord-Lieutenant of Nottinghamshire (Sir Andrew Buchanan Bt).

His Royal Highness this afternoon visited the William Alvey Junior School, Eastgate, Sheffield, and was received by Her Majesty's Lord-Lieutenant of Lincolnshire (Mrs Bridget Cracroft-Ely).

The Duke of York afterwards opened the Shaw Centre, Broadgate House, Westside Street, Spalding, Lincolnshire.

November 3: The Prince Edward, Trustee and Chairman of the International Council, The Duke of Edinburgh's Award International Association, continued his visit to Wellington, New Zealand, for the Sixth International Award Forum.

His Royal Highness today attended the Forum at the Michael Fowler Centre.

The Prince Edward attended a Dinner this evening at Government House.

November 3: The Princess Royal, Honorary President, the Scottish Motor Neurone Disease Association.

This morning attended an International Symposium of Motor Neurone Disease Associations at the Glasgow Hilton Hotel, William Street, Glasgow, and was received by Her Majesty's Lord-Lieutenant of the City of Glasgow (Mr Patrick Lally, the Rt Hon the Lord Provost).

The Princess Royal, President, Save the Children Fund, later visited shops at 165 Byres Road and 220 Sauchiehall Street, Glasgow.

The Princess Royal, President, the Princess Royal Trust for Carers, this afternoon attended the Twenty-Fifth Anniversary Luncheon of the Dutton Community at City Chambers, George Square, Glasgow.

Her Royal Highness, President, the Princess Royal Trust for Carers, afterwards attended the Prudential Carers Initiative - Carers Calendar Schools Competition Awards at Kirkcaldy House, St Vincent Street, Glasgow.

The Princess Royal, Honorary President, the Scottish Motor Neurone Disease Association, this evening attended the Annual Dinner at the Glasgow Hilton Hotel.

ST JAMES'S PALACE
November 3: The Prince of Wales this morning visited St Lucia Nature Reserve and Ubbellshere Public High School, North Daboduku, South Africa, was received by the Premier of KwaZulu-Natal (Dr Ben Ngubane) and inspected new local residents.

His Royal Highness arrived in Durban this afternoon.

The Prince of Wales visited KwaZulu-Natal township and inspected the new local residents and viewed a building skills training centre.

His Royal Highness later visited Durban Harbour Port buildings and met participants in the United Kingdom and South Africa Ports and Harbours Seminar, before touring Durban Harbour.

The Prince of Wales afterwards attended a Civic Reception given by the Mayor of Durban at the City Hall.

His Royal Highness this evening attended a Dinner given by the Premier of KwaZulu-Natal at the Durban International Congress Centre.

YORK HOUSE
November 3: The Duke of Kent, Patron, the Institute of Export, this afternoon attended the annual graduation and prize-giving ceremony at Mansion House, London EC4.

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Relics of amateur spy shot in Tower go on sale

Poignant appeal in letter from wife

THE haunting tones of a violin playing *Vesti la giubba* from the opera *Pagliacci* drifted over the battlements of the Tower of London at dawn on October 19, 1915. Just before 7am the player kissed his violin, saying "Goodbye. I shall not want you any more" and was led to his death by firing squad. He was Fernando Buschmann, aged 25, executed as a First World War German spy.

A moving collection of letters written by him just before his execution, and by his wife after his death, are to be auctioned by Phillips in London on November 13.

They were kept by Henry Francis Garrett, a lawyer who had befriended him during his imprisonment in the Tower, and they include his death certificate, the charge sheet against him stamped secret, typescripts of a letter he wrote each morning of all his letters from his widow to Garrett pleading for details of her husband's last hours.

Buschmann was one of a number of bungling amateur spies executed in the Tower, whose stories were told in Leonard Steller's recent book *Shot in the Tower*. Buschmann, who was brought up in Brazil, was given by his German spymasters the cover of a commercial traveller in cheese, bananas, potatoes and safety razors. He was lodged in a hotel in the Strand so well known as a stopping place for spies that it was trawled regularly by the authorities. And so, after only

a few months in London, he was captured, tried and condemned.

After his death his wife wrote to Henry Garrett saying: "My husband told me that you would tell me all about him & I entreat you heartily to tell me all of his last days & months... had he much to suffer... was it quite impossible for him to write to me... did he hope to get freedom?... Have you preserved his rings & violin, which he promised to send to me? Was he allowed to keep his violin till his last day?"

Part of the typescript of a letter Buschmann wrote to a lawyer on the eve of his execution in 1915

by date, dear Sir,

I am writing to you, I am sure, from the last of my letters. The day is the greatest day of my life. I am writing to you, I am sure, from the last of my letters. I am writing to you, I am sure, from the last of my letters.

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Fernando Buschmann, executed as a German spy in the Tower of London

by date, dear Sir,

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Forthcoming marriages

Mr O.M. Bedford and Miss C.A. Mickelson. The engagement is announced between Lieutenant Oliver Bedford, The Blues and Royals, elder son of Mr and Mrs Michael Bedford, of Ringmer Park, Lewes, East Sussex, and Catherine, only daughter of Mr and Mrs Carl Mickelson, of Thunder Bay, Ontario, Canada. Mr N.P. James and Miss M.J. Allen.

The engagement is announced between Nicholas, son of Mr and Mrs Michael James, of Langland, Swanscombe, and Melanie, daughter of Mr and Mrs John Allen, of Clapton-in-Gordano, Bristol. Flight Lieutenant D.J. Kay and Miss A.R. Wright.

The engagement is announced between David, only son of Mr and Mrs Alan Kay, of Welling, Kent, and Alison, elder daughter of Mr and Mrs Gordon Wright, of Tatenhall, Cheshire.

Mr W.T.C. Pryor and Miss M.O. Bozomova. The engagement is announced between William Pryor, son of Stephen and Caroline, of London, and Mascha Bozomova, daughter of Oleg and Irina, of St Petersburg, Russia.

Mr S. Rowland and Miss A. Howarth. The engagement is announced between Simon, son of Mr and Mrs W.J. Rowland, of Cheltenham, Gloucestershire, and Antonia, daughter of Mr and Mrs E.E. Howarth, of Letchworth, Surrey.

Mr J.M. Smith and Miss Z.G. Evans. The engagement is announced between Jeremy, only son of Dr and Mrs Giles Smith, of Sapiston, Suffolk, and Zoe, younger daughter of Mr and Mrs Barry Evans, of Curzon Park, Chester.

Mr D.A. Hines and Miss L.M.C. Barnard. The engagement is announced between Douglas Hines, son of Mr Anthony Hines, of Wadhurst, Sussex, and Mrs David Howell, of Ropley, Hampshire, and Louise Madeline Cairns, elder daughter of Mr David Barnard, and the late Mrs David Barnard, of Burgham, Surrey.

Mr J.J. de C. Sabey and Miss K.D. Wagg. The engagement is announced between Jasper, son of Mr Michael Sabey, of Antibes, France, and Mrs Louise Sabey, of Putney, London, and Kate, daughter of Mr and Mrs Jeremy Wagg, of Stockwell, London.

Mr R.B. Turner and Miss L.M. Bound. The engagement is announced between Roger, son of the late Mr J.B. Turner and of Mrs J. Turner, of Soham, Cambridgeshire, and Jennifer, eldest daughter of the late Dr H. Bound and of Mrs P. Bound, of St Peter Port, Guernsey.

Mr D.S. Bowring and Mrs M.A. Barnett. The marriage took place on October 25 in Christ's Church, Dulwich, of Mr Duncan Bowring, youngest son of Mr and Mrs S.E. Howarth, of Letchworth, Surrey, and Mrs Melissa Barnett, daughter of Lieutenant Colonel and Mrs Gordon Larimer, of Seale, Farnham.

The bride was attended by Camilla Annabel, Frederick and Alice Bowring, and Tabitha and Matthew Barnett.

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HAROLD ALBERT

BARON EDMOND DE ROTHSCHILD

Archaeological Society. At the same time she began undertaking excavations and fieldwork, first in 1937 at Castlesdykes near Lanark, and then at Roman sites in central and southern Scotland, often along the line of the Antonine Wall, over which she maintained watch and ward at a time when there were few professional archaeologists in Scotland. In 1952 she was appointed under-keeper of the Hunterian Museum and curator of the Hunterian Coin Cabinet.

By 1960 she had begun a steady output of major publications. Her guide to *The Antonine Wall* (now in its fourth edition) was swiftly followed by a British Academy

PERSONAL COLUMN

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November 4, 1975

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Jury can decide child's age

Regina v Land (Michael)

Before Lord Justice Judge, Mr Justice Pook and Judge Rant, QC [Judgment October 10]

It was a matter for the jury to decide whether an unknown person depicted in an indecent photograph was under the age of 16 and therefore a child for the purposes of the Protection of Children Act 1978.

There was no requirement for paediatric or other expert evidence because the jury was as well placed as an expert to assess whether a person depicted in such a photograph was under 16.

The Court of Appeal, Criminal Division, so held in dismissing an appeal by Michael Land against his conviction in January 1997 at Lewes Crown Court (Judge Scott, Cull and a jury) of (i) seven counts of having an obscene article for publication for gain, contrary to section 2(1) of the Obscene Publications Act 1959, as amended by section 1(1) of the Obscene Publications Act 1964, for which he was sentenced to six months imprisonment on each and (ii) two counts of possessing an indecent photograph of a child with a view to it being distributed or shown by

himself or others, contrary to section 1(1)(a) of the 1978 Act, for which he was sentenced to nine months imprisonment on each, all the sentences to run concurrently and to be suspended for two years.

Mr James Wood, assigned by the Registrar of Criminal Appeals for the appellant Mr Peter Walsh for the Crown.

LORD JUSTICE JUDGE, giving the judgment of the court, said that the appellant appealed only against the convictions for possessing indecent photographs of a child on the grounds, inter alia, that the trial judge should have directed the jury that before an offence contrary to section 1(1)(a) of the 1978 Act could be established they had to be sure that not only did the appellant know that he possessed an indecent photograph but he also had to know that the photograph depicted a child, that is, a person under 16.

Mr Wood argued that, in the absence of any direct evidence of age, expert paediatric evidence should have been called to enable the jury to be informed of the variations of onset of puberty in different adolescents, particularly with persons of different racial

origins and backgrounds. Their Lordships disagreed.

The provisions of the 1978 Act were unambiguous. An offence under section 1(1) might be committed in a variety of ways which included possession of an indecent photograph of a child with a view to distribution.

The purpose of the Act was to protect children from exploitation and degradation. Potential damage to the child occurred when he or she was posed or pictured indecently, and whenever such an event occurred the child was being exploited. It was the demand for such material which led to the exploitation of children and the purpose of the 1978 Act (and of section 160 of the Criminal Justice Act 1988 which created the offence of simple possession of an indecent photograph of a child) was to reduce, insofar as possible, to eliminate, trade in or possession of it.

At the same time statutory defences provided a framework for protecting from conviction those whose possession of such material was not prurient.

Accordingly, and without attempting to rewrite the statutory

provisions, no statutory defence was available for the individual who created the material or advertised its availability.

The defence was limited to persons who distributed or were in possession of such material either for a legitimate reason, for example, a police officer in the course of his duty showing such material to the Crown Prosecution Service with a view to possible prosecution, or for the individual who was ignorant of and had no reason to believe that he was in possession of or distributing indecent materials or in the case of simple possession.

Once it was appreciated that the material was indecent then its continued retention or distribution was subject to the risk of prosecution if the source of the material proved to be a child or children.

The anxiety expressed by Mr Wood for the individual who did not know that the material depicted someone who was in fact a child was misplaced. Ignoring members of the child's own family, who would know his or her age, it would be rare in the extreme for a complete stranger to be in possession of indecent photographs of someone who although appearing to be mature could nevertheless be proved to be a child.

A glance would quickly show whether the material was or might be depicting someone who was under 16 and it was or might be then prosecution would be avoided by destroying it or having nothing further to do with it.

As to the requirement for paediatric evidence, section 2(3) of the Act was plainly concerned with the obvious difficulty of making a positive identification of an unknown person depicted in a photograph and hence his or her age. It therefore required for the question whether such a person was a child for the purposes of the 1978 Act was one of fact based on inference without any need for formal proof.

Their Lordships could see no basis for the argument that in the absence of paediatric or other expert evidence the jury were prevented from deciding that the indecent photograph depicted a boy or a girl under the age of 16.

In any event such expert evidence, if called, would be inadmissible. The purpose of expert evidence was to assist the court with information which was outside the normal experience and knowledge of the jury or expert.

In the absence of any certainty in this respect, his Lordship was unable to help the directors by holding that funds were held on trust for the members who paid them.

Solicitors: Sprecher Grier; Max Birt Green, Islington.

Power to order sale of wife's home

Bank of Baroda v Dhillon and Another

Before Lord Justice Roch and Mr Justice Cazalet [Judgment October 17]

The court had a wide discretion to order the sale of a property on the application of an interested party under section 30 of the Law of Property Act 1925, even though another party had a right to occupy the property which was an overriding interest and ranked before that of the interested party.

The Court of Appeal so held in a reserved judgment dismissing the appeal of the second defendant, Surjit Kaur Dhillon, from the judgment of Judge Cullin on May 24, 1996 in *Underbridge County Court* ordering the defendants, Surinder Dhillon and his wife, to give up possession of 63 Palgrave Avenue, Southall, Middlesex, that the property be sold forthwith and the net proceeds of sale be applied half to the Bank of Baroda, the plaintiff, and half to the defendants' solicitors.

Mr John Robson for the wife, Mr Anthony Mann, QC, for the bank; the husband was not represented.

LORD JUSTICE ROCH said that the defendants bought the property for £10,000 in 1973 with a building society mortgage of

£8,000, the property being registered in the husband's name alone and charged in favour of the building society.

The husband, having obtained a bank loan in 1978 secured by a second legal charge on the property, which was assigned to the plaintiff, fell into arrears with the repayments. The plaintiff obtained judgment against him in July 1991 for £12,189 plus £3,852 interest, and after further delay a possession order in March 1992.

The husband was adjudicated bankrupt in July. The wife applied, before the warrant for possession was executed, to be joined as a second defendant claiming an equitable interest in the property which overrode the bank's legal charge. At the time of the trial the house was valued at £78,000, the building society was owed £12,691 and the plaintiff £25,000.

The judge was satisfied that the husband held the property on trust for himself and his wife in equal shares, that the wife had an overriding interest under section 70(1)(g) of the Land Registration Act 1925 and the plaintiff's legal charge took subject to that interest. The wife did not know of the second charge. It was not disputed that the plaintiff was entitled to apply under section 30 of the Law of Property Act 1925 (now section 14

of the Trusts of Land and Appointment of Trustees Act 1996) for an order of sale.

He had held that the plaintiff was in the same position as a trustee in bankruptcy and, after balancing the various considerations, concluded that there was no prospect of the plaintiff being paid in the foreseeable future unless sale was ordered, and the wife would have a resource after sale which should enable her to re-accommodate herself.

Mr Robson's essential submission was that the judge had failed to give effect to the wife's right to occupation and was enabling the plaintiff to do indirectly under section 30 what it could not do directly because of the overriding interest.

Mr Mann conceded that the wife's interest would defeat a claim for possession by the plaintiff but the plaintiff was seeking an order for sale, and the notion of an overriding interest had no relevance to such an application.

Mr Robson sought to distinguish *In re Domanico Ciro* (a Bankruptcy) [1991] Ch 142 and *Lloyds Bank plc v Byrne* [1993] 1 FLR 369 on the basis that the wives in those cases had had an opportunity to participate in some earlier judicial process, whereas there were no such earlier proceed-

ings in the present case. His Lordship said that in the former case there had been no suggestion that wives' half shares in the beneficial interest in their homes precluded the trustee in bankruptcy's application under section 30, and in the latter case (at p375) the court would not accept the contention that, as the husband could not obtain an order against his wife, the bank could be in no better position as it claimed under him.

In two other cases relied on by Mr Robson, *Abbey National plc v Moss* [1994] 1 FLR 307 and *Barclays Bank plc v Hendricks* [1996] 1 FLR 258, the court in the former case made no suggestion that an application under section 30 was defeated by a wife's overriding interest, and the latter case followed the reasoning of the former case (at p303).

His Lordship said that the wording of section 30 was very wide and he had no hesitation in concluding that the concession made in the county court that the plaintiff was entitled to apply for an order for sale under section 30 was properly made.

Mr Justice Cazalet agreed. Solicitors: Bhardwaj & Co, Oxford Street; Lawrence Jones, Southwark.

Intended rescue trust fund fails

In re Challenor Club Ltd (In Liquidation)

Before Mr Justice Lloyd [Judgment October 2]

It was not sufficient to create a trust for the officers of a club simply to deposit donations received from members as a rescue fund in a separate bank account not to be used until the future of the club was known, since the terms of the intended trust were not certain.

The money would therefore form part of the club's assets to be available for the purposes of the liquidation notwithstanding the officers' assurances to the members to the contrary.

Mr Justice Lloyd so held in the Chancery Division in directing, on the liquidator's application, that the sums standing on March 15, 1993 to the credit of two bank accounts in the name of the Challenor Club Ltd were not held on trust for any person, but formed part of the club's assets to be available for the purposes of the liquidation generally. The respondents were Mr Mervyn Langley, supervisor of the individual voluntary arrangement of Mr Stuart Edgar, first administrator of the company, and Mr Albert McQuarrie, chairman of the club, representing the members.

MR JUSTICE LLOYD said that

the Challenor Club Ltd, a private company limited by guarantee, rented premises for its purposes as a members' social club. It had fallen into arrears and was the subject of a possession order. At an emergency general meeting it was resolved, inter alia, that members' annual subscriptions, then due, should be raised with immediate effect and donations invited in an attempt to save off the possession and that the directors would be empowered to take any steps to ensure the continuation of the club.

In a series of letters circulated to members, the officers of the club indicated, in differing terms, that any contributions would be placed into a segregated bank account and would not be touched until the future of the club was known.

Moneys were received and placed either directly or indirectly by transfer, into a designated account. The company was placed in administration. The administrator, at the request of the chairman of the company, confirmed that those moneys in the separate account were held on trust for the members and were not available to creditors in the event of the failure of the purpose for which the funds were supplied.

The company subsequently went into liquidation and the liquidators applied for directions as to whether the moneys held in the designated account at the commencement of the liquidation were properly repayable to mem-

bers or were to be used in the liquidation. His Lordship referred to the relevant authorities, the most pertinent of which was *In re Kayford Ltd* [1975] 1 WLR 2790. It was clear that the directors, in placing the moneys into a separate account had intended that they should not be made available to creditors generally.

However, those responsible and commendable efforts to safeguard the members' contributions failed because the terms of the trust were not certain. The circumstances in which the payments would become unconditional had been referred to in a number of different ways and were not adequately defined.

Bearing in mind the free hand given to the directors at the EGM as to how the funds for the club were to be safeguarded, the difficulties faced by the club at that time, and the various expedients that might well have been necessary in the long term, it would have been extremely difficult for the directors to have been able to spell out at the relevant time all the circumstances in which the funds coming in could be spent.

In the absence of any certainty in this respect, his Lordship was unable to help the directors by holding that funds were held on trust for the members who paid them.

Solicitors: Sprecher Grier; Max Birt Green, Islington.

Limiting right of appeal to Privy Council

De Morgan and Another v Director-General of Social Welfare

Sears v Attorney-General of New Zealand

Before Lord Browne-Wilkinson, Lord Jauncey of Tullichettle, Lord Slynn of Hadley, Lord Lloyd of Berwick and Lord Steyn [Reasons October 7]

Express words were not required in a statute to limit or abolish the right of the Judicial Committee of the Privy Council to give special leave to appeal. It was enough if the statute showed by necessary intendment that the power to entertain such appeals was to be limited or abolished.

The Privy Council so held in giving reasons for having, on July 10, 1997, dismissed for want of jurisdiction petitions by (i) Shane Campbell De Morgan and Dale De Morgan, and (ii) Victor Frederick Sears, for special leave to appeal to the Board against decisions of the Court of Appeal of New Zealand.

Mr Peter J. Napier, of the New Zealand Bar, for the De Morgans; Dr George P. Barton, QC and Mr Charles P. Chauvel, both of the New Zealand Bar, for the Director-General.

Mr Carry M. Pollak and Mr James Roberts, both of the New Zealand Bar, for Mr Sears; Mr

Neil McAteer, of the New Zealand Bar, for the Attorney-General.

LORD BROWNE-WILKINSON said that in each case the relevant statutory legislation (in the De Morgan case, sections 67 and 68 of the Judicature Act 1908 and in the Sears case, section 135(5) of the Employment Contracts Act 1991) provided that the decision of the Court of Appeal on the issue was to be "final" or "final and conclusive".

The petitioners in both cases had contended, first, that the words of the sections making the decision of the Court of Appeal "final" or "final and conclusive" were not sufficient to exclude the prerogative power of the Queen to entertain appeals to the Privy Council, and that accordingly their Lordships could give leave even if the Court of Appeal could not.

The foundation of the argument lay in the *Duys* (1880) 5 App Cas 409 and *In re Will of W. Manu* (1904) 101 LT 259, where it was held that the prerogative right of the Crown to entertain appeals to the Privy Council could only be taken away by express words.

It had been submitted that the Privy Council was still exercising prerogative powers and that, although the Statute of Westminster Adoption Act 1947 and the Imperial Laws Application Act 1988 had

fundamentally enlarged the powers of the New Zealand Parliament to exclude or limit appeals to the Privy Council, they had not affected the requirement that the order to do so there had to be found in the statute words which were expressly directed to the exclusion of the prerogative power of the Crown to entertain such appeals.

His Lordship said that the proposition that the right to entertain appeals to the Privy Council was prerogative of the Crown had been employed by the decision in *British Coal Corporation v The King* (1935) AC 500: the right to entertain appeals to the Privy Council was no longer a wholly prerogative power but was regulated by statute, the Judicial Committee Acts 1833 and 1844.

The result was that by excluding or limiting the rights of the Privy Council to grant special leave to appeal a New Zealand statute was not, in any ordinary sense, purporting to limit the Royal prerogative. It was limiting what was in substance a statutory right with a purely formal prerogative element attached.

In the *British Coal* case it was said that in order for a statute to exclude or limit that right it had to do so by "express words or by necessary intendment". Contrary to the decisions in *Cushing* and *W. Manu* express words were not

essential; necessary intendment was sufficient. His Lordship concluded that the reasoning of the decisions in *Cushing* and *W. Manu* could no longer be regarded as sound since it was based on the erroneous assumption that the right to give special leave to appeal was a normal prerogative power of the Crown.

Express words were not required to limit or abolish the right to entertain such appeals. It was enough if the statute excluding or limiting the right of appeal to the Privy Council showed either expressly or by necessary intendment that the power to entertain such appeals was to be limited or abolished.

In the present cases the New Zealand legislature had provided that the decision of the Court of Appeal should be final. Since the Court of Appeal was the ultimate Court of Appeal locally situate in New Zealand, it was possible intendment of such words was to exclude the only remaining right of appeal, appeal by special leave to the Privy Council. That being so, and there being no challenge to the powers of the New Zealand legislature to pass such legislation, the statute effectively excluded any appeal to the Privy Council.

Solicitors: Davies Arnold Cooper; Moon Beever. Alan Taylor & Co; Moon Beever.

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GENERAL

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Grin Swift urgently requires homes in selected areas of the UK to fit show kitchens. We will build you a tailor made kitchen at a fraction of the normal price, if you will allow us to introduce up to 6 prospective customers.

'I made three transfers just before the deadline'

The story so far

I still haven't won a monthly prize, and I'm still nowhere in the listings.

What do you mean by nowhere?

Eighty-something thousandth, last time I checked. Comfortably in the top half.

Yes, but upper-mid table mediocrity isn't good enough. Sounds like drastic action is called for. In real life, of course, the answer would usually be to sack the manager. Sounds good! Hang on a minute, though - I am the manager.

In a manner of speaking, but in Interactive Team Football you are also the chairman. You choose a manager as well as eleven players, but you pick the team. Unlike what happens at real football clubs.

Don't be too sure. Who's your manager at the moment?

David Plett.

Overseen by events there, then. You have no choice about changing managers.

Hmm. But I have to get one for the same money. Or less.

But Plett was revalued down to only £1 million. Who am I going to get for that?

You'd be surprised who you could get, depending on whether or not you've already got two players from that club.

Who's in the frame, then?

Darius Wilson up at Barnsley, of course, half a million to you. David Jones down at Southampton, for the same money. He's started to put some results together.

Yes, he might be worth a try. I see Southampton are at home to Barnsley on Saturday, then Sheffield Wednesday. Now you're thinking like a successful ITF manager.

I read it in last Tuesday's paper, actually.

Same thing.

Any other bargains in the management department?

Bert Paton of Dunfermline or Gordon Strachan at Coventry, for the same money as you'll get for Plett.

"Plett?"

Those of us in the know call him that. They've all got nicknames, you know, like Fergie, or Toddy, or Wilko. Big Ron, Gorgeous George. I think it's the Bald Eagle for you.

The Bald Eagle? Is that a Crystal Palace joke?

No, I'm talking about Jim Smith, the Derby County manager. They're doing well, and he'll only cost you a million, which is cheap at the price. He's bound to go up in the next revaluation, in my opinion.

So he gets your vote of confidence?

Now that's not a phrase I'd advise you to use anywhere a manager can hear it...

Every month there is a £1,000 winner in ITF. This week some shrewd tactics saw a Surrey care officer scoop the October prize

DAVID Edbrooke-Stainer, a senior care officer at an old people's home in Haslemere, Surrey, is the winner of the ITF monthly prize for October with a total of 219 points. He receives £1,000, a signed Mitre football, a Mitre sportsbag and two tickets to a Premiership game.

How did he do it? Let him explain: "You're always advising us to use the transfer system; well, the weekend before last, I made three transfers in the five minutes before the deadline: I exchanged Poom, who would have lost me six points, for Schneichel, who got eight; McNamara for Kelly; and transferred Lombardo into favour of Andy Cole, who got a hat-trick. It worked out to 41 points, otherwise I probably wouldn't have done it."

Although he uses the transfer market to good effect, Mr Edbrooke-Stainer, who, like a lot of ITF competitors, has entered more than one team, relies on certain players for consistent performances.

"Obviously, Andy Cole was my most important player in this one, but Marco Negri and Matt Elliott have been in every team," he said.

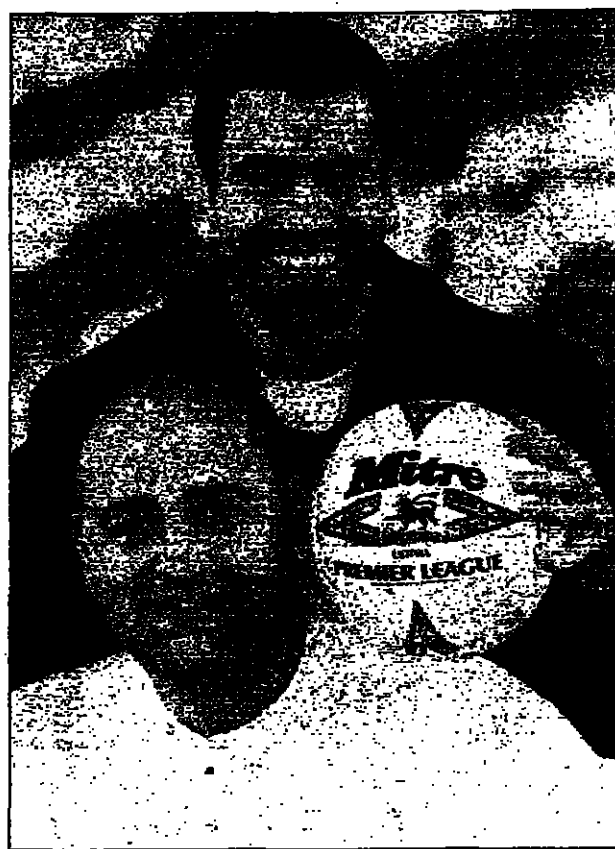
He also has his eyes on the main ITF prize of £50,000. He has another team currently on top of the league - but it may not last. "I'm almost out of transfers," he said. "I hope I can hang on until December [teams registered before De-



ember 13 are allocated an extra 20 transfers). However, I've got a lot of Scottish players, and on November 15 there are no FA Cup Premiership games, although there are Scottish games. So that might help. October's winning team is itself handily fixed: 62nd overall with 381 points, not including last night's game at Upton Park.

Mr Edbrooke-Stainer supports Aldershot Town, who play in the Isthmian League

Words: Nick Szczepanik



David Edbrooke-Stainer receives his prize from Francis Benali yesterday

"(Not looking bad at the moment), but will be attending a Premiership game with the tickets that form part of his prize. Did he have any ideas about a possible future? "Arsenal against Liverpool, perhaps. I like the way Arsenal play now, although I used not to. Arsene Wenger's done a really good job. It will be nice to see... I was going to say 'some decent football', but perhaps 'football of a different standard' would be better."

HOW THE SCORING SYSTEM WORKS			
All 1997/98 matches in the FA Cup, Premiership, FA Cup, Bet's Scottish League premier division and Tennants Scottish Cup count for points. Penalty shootouts do not count but results decided in this way will count for managers.			
POINTS AWARDED		POINTS DEDUCTED	
Goalkeeper	Keeps clean sheet (per half) +3 points	Goalkeeper	Keeps clean sheet (per half) -1 point
Striker	Scores goal +2 points	Striker	Concedes penalty -1 point
Defender	Saves penalty +1 point	Defender	Concedes own goal -1 point
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Goalkeeper	Keeps clean sheet +3 points	Goalkeeper	Concedes own goal -1 point
Striker	Scores goal +2 points	Striker	Concedes own goal -1 point
Defender	Saves penalty +1 point	Defender	Concedes own goal -1 point
Midfielder	Keeps clean sheet +3 points	Midfielder	Concedes own goal -1 point
Goalkeeper	Keeps clean sheet +3 points	Goalkeeper	Concedes own goal -1 point
Striker	Scores goal +2 points	Striker	Concedes own goal -1 point
Defender	Saves penalty +1 point	Defender	Concedes own goal -1 point
Midfielder	Keeps clean sheet +3 points	Midfielder	Concedes own goal -1 point
Goalkeeper	Keeps clean sheet +3 points	Goalkeeper	Concedes own goal -1 point
Striker	Scores goal +2 points	Striker	Concedes own goal -1 point
Defender	Saves penalty +1 point	Defender	Concedes own goal -1 point
Midfielder	Keeps clean sheet +3 points	Midfielder	Concedes own goal -1 point
Goalkeeper	Keeps clean sheet +3 points	Goalkeeper	Concedes own goal -1 point
Striker	Scores goal +2 points	Striker	Concedes own goal -1 point
Defender	Saves penalty +1 point	Defender	Concedes

Your full guide to ITF players and managers

Strong players in weak teams can still score highly in ITF — but a manager stands or falls by results

The pictures of a careworn David Pleat taken during his Sheffield Wednesday team's 6-1 pounding at Old Trafford on Saturday emphasise the pressures of what is often referred to as the loneliest job in football. Wednesday never recovered from a poor start to the season, and the sack, described by one former manager as the only certain thing in football, followed yesterday.

Walter Smith, the Rangers manager, is leaving because he fears an end to Rangers' record of success. It's tough at the top, but try telling that to David Pleat.

In Interactive Team Football, the points scored by a manager are related solely to his team's results. A player in an otherwise undistinguished team can still be a valuable contributor to an ITF selection if he maintains a good personal points-scoring record. Benito Carbone, of Wednesday, is the obvious example.

Managers, however, stand or fall, as ever, by results. They receive three points for a win, one for a draw, and incur no penalty in the unlikely event of their being shown a yellow or red card. The main drawback is that they lose a point for every defeat.

Lowest scorers among managers, therefore, are those at the bottom of their respective premier leagues. Pleat, Alex McLeish of Motherwell and



Danny Wilson of Barnsley, although his club have struggled, is thought to be in less danger than managers of clubs where expectations are higher. Gerry Francis, at Tottenham, is thought to be the likeliest departure after the failure of his considerable financial investment in the Spurs team and, after Sunday's home defeat by Southampton, Howard Kendall of Everton will be apprehensive whenever the phone rings.

HOW IS YOUR TEAM DOING?

Call the ITF hotline on

0891 884 643

50p a minute, using a Touch-tone telephone. Public telephones cost about twice as much.



Pleat will be removed from ITF lists after being dismissed yesterday

ITF entrants with Pleat as their manager should now use the transfer system to acquire a replacement, as they must when a player is transferred out of the premier leagues; the new Wednesday manager will not be substituted automatically. When a new man is appointed at Hillsborough, his value will depend on the perceived likelihood of his affecting Wednesday's position. A Johann Cruyff, for instance, would be valued more highly than, say, a younger manager plucked from the lower leagues (John Duncan of Chesterfield comes to mind), with contenders like Ron Atkinson somewhere in between.



Kendall: he and Gerry Francis of Spurs are the two ITF managers in most jeopardy

THIS WEEK'S MOVES

OUT

42703 Neil Maddison Southampton 80.75m

HOW TO MAKE A TRANSFER

☐ YOU MAY transfer as and when you wish according to your team transfer allowance. If a player or manager moves teams during the season, it may affect the composition of your team. You may adjust your team by using the transfer system to avoid missing out on points.

☐ EACH TEAM that was entered at the start of the season was allocated 60 transfers for the season and each team registering after that date has its number of transfers reduced by three per week up to December 13. All teams registered before noon that day will be allocated an extra 20 transfers. Teams registered after noon on December 13 will be allocated 20 transfers for the rest of the season.

☐ THE LINE is open now and will remain open for the rest of the season. You may only make transfers by using a Touch-tone (DTMF) telephone (most push-button telephones with a * and a hash key are Touch-tone). You will need ten digits for your PIN which you will have to tap in (not speak). Follow the simple instructions and tap in the five-digit codes of the players that you are transferring.

☐ YOU MAY make up to four transfers per call but may make as many calls as you wish to achieve the required amount of transfers.

☐ TRANSFERS made before 12 noon on any day will become effective for matches starting after that time. Transfers made after 12 noon will become effective for matches starting after 12 noon the following day.

☐ YOUR NEW player only starts to score points for you when his transfer is registered. The current score of the player transferred out remains part of your team score but he then ceases to score for you.

☐ CALLS COST 50p per minute and calls from a telephone box cost approximately twice as much.

Transfer number: 0891 884 628.

Outside the UK: +44 990 200 538.

Code	Name	Team	Cost (£m)	Week Total
10101	J Leighton	Aberdeen	2.00	-4 -2
10201	D Seaman	Arsenal	5.00	-2 46
10301	M Bosnich	Aston Villa	3.00	0 26
10401	D Watson	Barnsley	1.00	2 -27
10501	T Flowers	Blackburn R	3.50	2 36
10601	K Branagan	Bolton W	1.50	2 24
10701	S Kerr	Celtic	4.00	0 0
10801	E De Goey	Chelsea	3.00	9 29
10901	S Ogrizovic	Coventry City	1.50	3 30
11001	C Nash	Crystal Palace	0.25	0 0
11101	K Miller	Derby County	2.00	0 27
11201	M Poom	Derby County	1.50	9 31
11301	S Dykstra	Dundee United	2.00	3 3
11401	I Webster	Dunfermline	1.00	-5 -18
11501	N Southall	Everton	2.00	-3 11
11601	G Rousseau	Hearts	1.50	6 31
11701	C Reid	Hibernian	1.50	0 0
11801	D Lekovic	Kilmarnock	1.00	0 -6
11901	N Martin	Leeds United	3.50	8 38
12001	K Keller	Leicester City	2.50	0 38
12101	D James	Liverpool	3.50	2 24
12201	P Schmeichel	Manchester Utd	5.00	3 67
12301	S Howie	Motherwell	1.00	0 0
12401	S Given	Newcastle Utd	4.00	-5 20
12501	A Goram	Rangers	5.00	3 9
12601	K Pressman	Sheffield Wed	2.00	-11 -26
12701	M Taylor	Southampton	0.50	0 0
12801	A Main	St Johnstone	0.50	0 16
12901	I Walker	Tottenham H	3.00	2 28
13001	L Mikosko	West Ham Utd	2.00	0 0
13101	N Sullivan	Wimbledon	2.50	0 32

Code	Name	Team	Cost (£m)	Week Total
20201	L Dixon	Arsenal	3.00	-2 11
20202	N Winterburn	Arsenal	3.00	-2 25
20203	E Pett	Arsenal	3.00	-2 13
20301	S Staunton	Aston Villa	3.00	0 11
20302	A Wright	Aston Villa	3.00	-1 13
20303	S Grayson	Aston Villa	2.50	0 12
20304	F Nelson	Aston Villa	2.00	0 8
20401	N Eaden	Barnsley	0.50	1 -3
20402	N Thompson	Barnsley	0.50	0 -5
20403	D Bernard	Barnsley	1.00	0 -25
20502	J Kenna	Blackburn R	2.50	0 25
20503	P Valery	Blackburn R	2.50	0 8
20601	N Cox	Bolton W	2.00	0 3
21001	M Whitlow	Bolton W	1.50	0 1
20602	R Elliott	Bolton W	2.00	0 4
20701	T Boyd	Celtic	3.50	5 25
20702	T McKinlay	Celtic	3.50	0 21
20703	J McNamara	Celtic	3.00	5 19
20501	G Le Saux	Chelsea	4.00	0 16
20801	D Petrescu	Chelsea	4.00	2 24
20802	C Babayaro	Chelsea	2.00	1 12
20901	D Burrows	Coventry City	1.00	0 1
20902	B Borrows	Coventry City	1.00	0 1
20903	M Hall	Coventry City	1.00	0 15
21001	D Gordon	Crystal Palace	1.50	0 8
21002	M Edworthy	Crystal Palace	1.50	0 10
21101	C Powell	Derby County	1.00	0 0
21102	D Yates	Derby County	1.00	0 0
21401	A Hinchcliffe	Everton	2.50	-1 4
21402	E Barrett	Everton	1.50	-1 4
21403	T Pheasant	Everton	1.50	-1 1
21501	G Locke	Hearts	1.50	1 2
21701	D Kerr	Kilmarnock	1.00	0 -1
21801	G Kelly	Leeds Utd	2.50	5 16
21802	D Robertson	Leeds Utd	2.50	5 17
21902	S Guppy	Leicester City	1.50	-1 25
21903	S Blythe	Leicester City	4.00	-1 12
22001	S Blythe	Liverpool	3.00	0 -1
22002	J McAtee	Liverpool	3.00	0 6
22003	R Jones	Liverpool	4.00	0 20
22101	D Irwin	Manchester Utd	3.50	1 21
22102	G Neville	Manchester Utd	3.50	1 21
22103	P Neville	Manchester Utd	3.00	-2 18
22301	S Watson	Newcastle Utd	2.00	0 14
22302	W Barton	Newcastle Utd	2.00	1 17
22303	J Beresford	Newcastle Utd	3.00	0 6
22304	S Pearce	Rangers	3.00	0 16
22401	A Cleland	Rangers	3.00	1 16
22402	S Stensness	Sheffield Wed	2.00	0 -16
22501	P Blondeau	Sheffield Wed	2.00	0 -17
22502	J Nolan	Sheffield Wed	1.00	5 14
22701	J Dodd	Southampton	0.75	5 2
22702	F Benali	Southampton	0.75	0 2
22703	S Charlton	Southampton	2.00	0 0
22801	C Wilson	Tottenham H	2.00	0 0
22802	J Edinburg	Tottenham H	2.00	1 1
22803	S Carr	Tottenham H	3.00	0 3
22901	J Dicks	West Ham Utd	1.50	0 -1
22902	A Ince	West Ham Utd	2.00	-1 7
23001	B Thatcher	Wimbledon	2.00	-1 3
23002	K Cunningham	Wimbledon	2.00	0 1
23003	A Kimble	Wimbledon	2.00	0 1

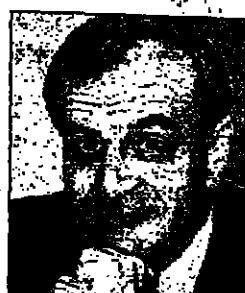
Code	Name	Team	Cost (£m)	Week Total
30101	B O'Neill	Aberdeen	2.00	-3 -14
30201	T Adams	Arsenal	3.50	-2 15
30202	M Keown	Arsenal	3.50	0 0
30203	G Grimandi	Arsenal	2.00	0 15
30204	S Bould	Arsenal	3.00	-3 9
30301	G Southgate	Aston Villa	3.50	-1 6
30302	U Ehigbo	Aston Villa	3.50	-1 14
30401	A De Zeeuw	Barnsley	1.00	0 -17
30402	A Moses	Barnsley	0.50	0 -15
30403	M Appleby	Barnsley	0.50	0 -2
30502	C Hendry	Blackburn R	3.00	0 22
30504	S Henchoz	Blackburn R	2.50	-1 13
30505	T Pedersen	Blackburn R	2.00	0 0
30601	G Taggart	Bolton W	1.50	0 5
30602	G Bergeson	Bolton W	1.00	0 8
30603	C Fairclough	Bolton W	1.00	0 0
30604	M Fish	Bolton W	1.50	0 5
30701	E Annoni	Celtic	1.50	0 1
30702	M Mackay	Celtic	3.00	0 2
30703	A Stubbs	Celtic	3.00	5 22
30704	M Rieper	Celtic	3.00	5 21
30801	F Leboeuf	Chelsea	3.00	5 24
30802	M Duberry	Chelsea	3.00	0 8
30803	S Clarke	Chelsea	2.50	1 11
30804	B Lambourde	Chelsea	2.50	0 -1
30901	L Dais	Coventry City	1.50	0 0
30902	R Shaw	Coventry City	1.50	1 16
30903	P Williams	Coventry City	1.50	1 4
31001	A Roberts	Crystal Palace	1.50	0 8
31002	A Linighan	Crystal Palace	0.75	0 7
31003	D Tuttle	Crystal Palace	0.75	0 0
31101	I Stimson	Derby County	2.50	0 7
31102	J Laurson	Derby County	1.50	5 13
31201	S Pressley	Dundee Utd	2.00	1 5
31301	G Shields	Dunfermline	1.50	-3 -13
31401	S Bilic	Everton	2.50	0 -7
31402	D Watson	Everton	2.00	-2 2
31501	D Weil	Hearts	2.00	2 17
31601	J Hughes	Hibernian	2.00	-2 5
31801	D Wetherall	Leeds Utd	2.00	5 24
31802	G Hall	Leeds Utd	2.00	0 11
31803	R Molenaar	Leeds Utd	1.50	5 10
31901	M Elliott	Leicester City	3.00	3 34
31902	P Kasmir	Leicester City	2.00	-1 19
31903	S Walsh	Leicester City	1.50	0 25
32001	M Wright	Liverpool	3.00	0 5
32002	D Matteo	Liverpool	3.00	0 5
32003	S Kwame	Liverpool	3.00	0 11
32004	H Berg	Manchester Utd	3.50	1 23
32101	D May	Manchester Utd	3.50	0 0
32102	G Pallister	Manchester Utd	3.50	0 29
32201	P Albert	Newcastle Utd	3.00	-3 10
32202	D Pearce	Newcastle Utd	3.00	-2 9
32301	S Howey	Newcastle Utd	2.00	-1 1
32302	A Pistone	Newcastle Utd	3.00	0 8
32401	S Porini	Rangers	3.50	5 20
32402	J Bjorklund	Rangers	3.50	1 15
32403	L Amoroso	Rangers	3.50	0 0
32501	D Walker	Sheffield Wed	2.00	-5 -12
32502	J Newman	Sheffield Wed	2.00	-5 -12
32503	P Atherton	Sheffield Wed	2.00	0 -8
32701	R Dryden	Southampton	1.00	0 -5
32702	C Lundekvam	Southampton	1.00	5 5
32703	K Monkou	Southampton	1.00	5 9
32801	S McCuskey	St Johnstone	0.50	0 4
32802	S Campbell	Tottenham H	3.00	0 3
32803	J Soles	Tottenham H	2.50	0 6
32804	R Vega	Tottenham H	2.00	0 -4
32901	C Calderwood	Tottenham H	2.00	0 6
32902	R Ferdinand	West Ham Utd	2.50	-2 -2
32903	R Hall	West Ham Utd	2.00	0 0
31403	D Unsworth	West Ham Utd	2.00	-2 -3
32904	S Potts	West Ham Utd	1.50	-1 5
32905	I Pearce	West Ham Utd	2.00	0 -6
33001	C Perry	Wimbledon	2.50	-2 9
33002	D Blackwell	Wimbledon	2.50	-1 8

Code	Name	Team	Cost (£m)	Week Total
40101	E Jess	Aberdeen	2.00	1 8
40102	P Bernard	Aberdeen	2.00	0 7
40201	M Overmars	Arsenal	5.50	0 31
40202	P Vieira	Arsenal	3.50	1 21
40203	S Hughes	Arsenal	2.00	0 1
40204	R Parfleur	Arsenal	2.50	1 27
40205	D Platt	Arsenal	1.50	1 10
40301	M Draper	Aston Villa	3.00	1 20
40302	J Taylor	Aston Villa	2.50	0 24
40401	N Bedford	Barnsley	3.00	1 30
40402	E Trinder	Barnsley	2.00	0 14
40403	D Sheridan	Barnsley	1.00	1 10
40404	M Billok	Barnsley	0.50	1 11
40501	J Wilcox	Blackburn R	3.00	0 13
40502	B McKinley	Blackburn R	3.00	0 11
40503	T Sheehan	Blackburn R	3.00	0 16
40504	C Farrelly	Blackburn R	3.00	0 16
40601	A Thompson	Bolton W	2.50	0 21
40602	S Sellers	Bolton W	2.00	0 11
40603	P Francis	Bolton W	2.00	0 15
40604	M Johansen	Bolton W	2.00	0 2

Code	Name	Team	Cost (£m)	Week	Total
40605	J Pollock	Bolton W	2.00	1	14
40701	A Thom	Celtic	4.50	1	15
40702	P O'Donnell	Celtic	3.00	0	7
42503	R Blinker	Celtic	3.00	5	14
40704	C Burley	Celtic	3.00	2	25
40801	D Wise	Chelsea	4.00	0	16
40802	R Di Matteo	Chelsea	4.00	1	19
40803	E Newton	Chelsea	1.50	3	7
40804	G Poyet	Chelsea	3.00	0	28
40901	G McAllister	Coventry City	2.50	2	18
40902	T Solvit	Coventry City	1.50	2	17
40903	J Salako	Coventry City	1.50	0	15
41002	S Rodger	Crystal Palace	1.00	0	15
41003	D Pitcher	Crystal Palace	0.25	0	0
41004	P Warhurst	Crystal Palace	1.50	0	18
41005	A Lombardo	Crystal Palace	3.00	0	20
41101	A Asanovic	Derby County	2.50	0	2
41102	S Eranio	Derby County	2.50	0	15
41103	D Powell	Derby County	1.50	0	2
41104	C Dally	Derby County	1.50	0	13
41105	R Van Der Laan	Derby County	1.00	0	8
41106	J Hunt	Derby County	1.00	0	12
41201	R Winters	Dundee Utd	3.50	2	28
41301	A Smith	Durfermline	2.00	4	23
41401	G Speed	Everton	3.50	1	26
41402	J Parkinson	Everton	1.50	0	0
41403	G Farrelly	Everton	1.50	0	4
41404	D Williamson	Everton	2.00	1	12
41501	N McCann	Hearts	2.50	10	31
41601	C Jackson	Hibernian	2.00	0	1
41602	B Lavely	Hibernian	2.00	1	19
41701	J McIntyre	Kilmarnock	2.00	0	0
41001	D Hopkin	Leeds Utd	3.50	2	21
41801	L Bowyer	Leeds Utd	3.00	0	5
41802	A Haaland	Leeds Utd	2.00	3	17
41803	L Sharpe	Leeds Utd	2.50	0	0
41901	G Parker	Leicester City	2.00	2	9
41902	N Lennon	Leicester City	2.00	3	21
41903	M Izzet	Leicester City	2.00	2	24
41904	S Taylor	Leicester City	1.50	0	0
42001	S McManaman	Liverpool	7.00	1	29
42002	C Lennon	Liverpool	3.00	1	6
42003	M Thomas	Liverpool	3.00	0	14
42004	J Robinson	Liverpool	3.00	1	4
42006	P Ince	Liverpool	5.00	0	18
42101	D Beckham	Manchester Utd	8.00	2	28
42102	R Giggs	Manchester Utd	7.00	2	29
42103	R Keane	Manchester Utd	5.00	0	23
42104	N Butt	Manchester Utd	4.00	2	30
42105	A Cole	Manchester Utd	5.00	8	43
42201	B Davies	Motherwell	2.00	3	6
42301	R Lee	Newcastle Utd	5.00	1	16
42302	K Gillespie	Newcastle Utd	3.50	0	16
42303	D Batty	Newcastle Utd	2.50	1	12
42005	J Barnes	Newcastle Utd	2.50	4	19
42401	B Laudrup	Rangers	8.00	2	20
42402	P Gascoigne	Rangers	6.00	2	22
42403	J Thern	Rangers	4.00	2	4
42404	J Albertz	Rangers	4.00	1	15
42501	B Carbone	Sheffield Wed	3.00	1	30
42701	J Magilton	Sheffield Wed	2.00	1	15
42502	M Pembridge	Sheffield Wed	2.00	1	10
42504	G Hyde	Sheffield Wed	1.00	0	4
42702	R Slater	Southampton	0.75	1	5
42703	N Maddison	Southampton	0.75	1	11
42704	K Richardson	Southampton	0.50	3	11
42705	C Palmer	Southampton	1.50	3	6
42801	A Senerloglu	St Johnstone	0.75	0	11
42801	A Sinton	Tottenham H	3.00	1	9
42802	D Anderton	Tottenham H	3.00	0	1
42803	R Fox	Tottenham H	2.00	1	15
42804	D Howells	Tottenham H	2.00	1	15
42805	D Ginola	Tottenham H	3.00	0	18
42901	E Berkovic	West Ham Utd	2.50	4	31
42902	S Lomas	West Ham Utd	2.50	0	14
42903	J Moncur	West Ham Utd	2.00	0	9
43001	R Earle	Wimbledon	4.50	1	21
43002	N Ardley	Wimbledon	2.80	0	13
43003	Y Jones	Wimbledon	2.00	6	11
42904	M Hughes	Wimbledon	2.00	1	13
43004	C Hughes	Wimbledon	1.50	1	13

0800 700 737

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BUSINESS EDITOR Patience Wheatcroft

TUESDAY NOVEMBER 4 1997

Bank sets parallel track to single currency



George: UK a "pre-in"

By ALASDAIR MURRAY
ECONOMICS CORRESPONDENT

EDDIE GEORGE yesterday gave strong Bank of England support for membership of EMU, insisting that UK economic policies would now "pursue a parallel track to euroland".

The Governor of the Bank of England told a Life conference in Frankfurt that Britain should now be considered a "pre-in" and will have to set its monetary and fiscal policies with convergence in mind.

Mr George, who has previously expressed concern about the rush towards a single currency, said

Gordon Brown's statement last week on EMU policy had "clarified" the UK's position. He added that the decision of the Government not to join in the first wave would have come as a "considerable relief" to other European partners as early UK entry would have "increased the economic risks of the project in the early stages".

The Bank claimed yesterday that Mr George's comments on convergence would have little immediate impact on monetary policy. A spokesman said the Bank's existing inflation target is sufficient to meet this aspect of EMU membership criteria.

But economists said the Bank and the Government had left a number of major convergence issues unresolved and there were still doubts in the markets about future policy.

Simon Briscoe, director of research at Nikko Europe, added that the exchange rate issue has not been resolved.

There was further confusion yesterday when Hans Tietmeyer, President of the Bundesbank, appeared to contradict the British Government over the need for the UK to join the exchange rate mechanism before signing up for EMU. Herr Tietmeyer insisted Britain would have to participate in the ERM

for at least two years before joining a single currency.

But Downing Street later said that currency stability, not ERM membership, remained the membership test and that the EU heads of Government would not make a formal decision on exchange-rate membership until next spring.

The pound surged again after stronger than expected manufacturing data increased the chances of a rate rise this week. The pound rose two and half pence to close at DM2.913, while sterling's trade weighted index climbed 0.6 to 102.9. The October purchasing managers index showed overall manu-

facturing growth accelerating as export order books grew for the first time since June. Annual growth in M0, the narrow measure of money supply, rose from 6.1 per cent in September to 6.4 per cent.

The stock market saw calmer trading after a good performance in Hong Kong. The FTSE 100 climbed 64.1 to 4,906.4. The Hang Seng index in Hong Kong closed up 631.33 points, or 5.94 per cent, at 11,255.1, while the Dow was up about 150 points in early trading.

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Liberty to seek buyer to thwart dissidents

By PAUL DURMAN

THE board of Liberty, the company that owns the landmark West End store, has launched an international search for a buyer in a battle that pits the directors against the founding family.

Putting the company up for sale is a last-ditch attempt to defeat plans backed by the Stewart-Liberty family to seize management control. Liberty claims the purpose of the board changes sought by the disenchanted shareholders is to obtain control without paying the premium usually required when a company is taken over.

Together, the family and Brian Myerson, the South African investor, already control 44 per cent of the shares

and look set to win a proposed shareholder vote.

ING Barings, Liberty's financial adviser, is expected to concentrate on looking for a foreign buyer, since the specialist nature of the business is thought to have limited appeal to leading British retailers.

Early speculation about possible buyers centred on Dickson Poon, the Hong Kong financier who is the chairman and majority shareholder of Harvey Nichols, the Knightsbridge store company. However, Hong Kong's recent problems and Mr Poon's purchase of Barneys, the New York department store, may rule him out of the bidding.

Barings may also wish to speak to Investorcorp, which has previously invested in the Gucci fashion house and the Tiffany jewellery business. Prince Alwaleed Bin Talal, the Saudi billionaire who has assembled an international portfolio of high-profile investments, including luxury hotels and Euro Disney, and Nieman Marcus, the US department store company.

Other possibilities include the Sultan of Brunei, Michael Cole, spokesman for Mohammed Al Fayed, the owner of Harrods, said Mr Al Fayed would not be interested.

Hopes that Liberty might be taken over by a consortium of investors, which has fallen steadily throughout the year. The shares closed up 25p at 377.5p, valuing Liberty at £85 million.

The Stewart-Liberty family and Mr Myerson's Concerto Capital Corporation said nothing in the statement from Liberty's board weakened their resolve to press ahead with board changes "to increase the value of Liberty for the benefit of all shareholders".

However, Liberty tried to drive a wedge between the family and Mr Myerson. Its statement said Mr Myerson's earlier proposals, discussed and rejected by the board during the summer, would have involved reducing the family's holding in the company.



The board has put Liberty up for sale in an effort to defeat plans by two leading shareholders to seize management control of the store group

Minimum wage to hit shoppers

By PHILIP BASSETT
INDUSTRIAL EDITOR

THE average weekly supermarket shop could be made £1.20 more expensive by the Government's planned national minimum wage, leading retailers will claim today.

Research by the British Retail Consortium (BRC) suggests there is a "strong likelihood" that retail prices will rise as a result of a minimum wage.

The BRC survey shows that a £3.80-an-hour minimum wage would add 16p to the average weekly household supermarket shop of £80, at £84.40 — less than the target pressed for by Unison, the trade union — the BRC says that it will add £1.20 to shopping bills.

The survey will be a main talking point when Margaret Beckett, President of the Board of Trade, appears before a committee of MPs today.

Low pay, page 31

Commentary, page 29

Aitken links with legendary trader in \$1bn health bid

FROM OLIVER AUGUST IN NEW YORK

THE US health sector could soon be dominated by one of Wall Street's most imposing figures — Lewis Ranieri — who set new standards in glumness when he ordered five gallons of guacamole for lunch.

The former vice-chairman of Salomon Brothers, described by former colleagues as a "fat slob", has made a \$1 billion (£600 million) offer for the Apria Healthcare Group via Hyperion Partners, which he founded after leaving Salomon.

Mr Ranieri is being aided by Timothy Aitken, former head of Aitken Hume, the merchant bank, and brother of Jonathan Aitken, the disgraced former Cabinet minister. Timothy Aitken, who now lives in California, praised Mr Ranieri's "intuitive understanding of the health business".

An adviser to Mr Ranieri said: "Perhaps it is ironic that he should invest in the health sector. He is 50 and he feels

perfectly fine. But you couldn't accuse him of having no idea what can happen to people's bodies."

It had been Mr Ranieri's boyhood ambition to be an Italian chef. But he ended up in the Salomon mailroom with a \$70 a week paycheck in 1968. In 1984, heading the mortgage bond department, he claimed to make more money than all of Wall Street in all of its businesses together.

According to *Liar's Poker*, the classic account of Wall Street life in the 1980s, eating was even more important than making money. "The traders performed astonishing feats of gluttony. Each Friday was 'food frenzy' day during which all trading ceased and eating commenced. We'd order guacamole in five-gallon drums, for a start," wrote Michael Lewis, the author. Mr Ranieri was unavailable for comment. He was at lunch.

BZW heads towards the Swiss

By RICHARD MILES
BANKING CORRESPONDENT

BARCLAYS is expected to announce the sale of BZW, its investment banking arm, to Credit Suisse First Boston, the Swiss-controlled group, in the next few days.

Analysts said that BZW is likely to be sold for less than early estimates of up to £700 million, given that CSFB was the only bidder left from a field of more than 20. They said £400 million was more realistic.

Donaldson, Lufkin & Jenrette (DLJ) and Bankers Trust both dropped out of the running over the weekend, leaving the door open for CSFB, the Swiss-owned investment bank, to dictate its own terms.

Reports that Martin Taylor will split up BZW and sell chunks off separately if CSFB fails to make a reasonable offer were dismissed in banking circles as a bargaining technique.

Tempus, page 30

Bass challenges Europe's best with brewery deal

By ADAM JONES

BASS is to create one of Europe's largest breweries after agreeing to buy Carlsberg-Tetley's operation in Burton-on-Trent and merge it with the Bass site next door.

The combined breweries, currently separated by a fence, would have a capacity of five million barrels of beer a year.

Bass also announced yesterday that it will close two smaller breweries, if it cannot find a buyer, at a cost of £25 million. The threatened sites, in Sheffield and Cardiff, employ 133, although Bass said that many could be redeployed.

Bass said that the move was a result of the decline in demand for real ale. The Sheffield site mainly brews Stone's, the Cardiff products include Hancock's and Allbright.

Bass would not say what it is paying for the Burton site, which brews Castlemeane XXXX and some smaller brands, saying only that it was

"not material in relation to the net assets of Bass".

A spokesman said that most of the 537 jobs at the former Carlsberg-Tetley site are expected to be kept in the long term. The staff will continue to brew Carlsberg-Tetley products until Carlsberg-Tetley has finished improvements to its remaining breweries.

The deal needs regulatory approval. Office of Fair Trading consultations began yesterday.

Bass's attempt to take over Carlsberg-Tetley was blocked by Margaret Beckett, President of the Board of Trade, earlier this year. This left Bass with a need for more capacity and Carlsberg-Tetley keen to scale down its operations.

Carlsberg-Tetley also announced that Allied Domecq will not exercise an option to keep a 14.9 per cent stake in it, meaning that the company is now entirely owned by Carlsberg of Denmark.

US delay clouds vote on Diageo

By JON ASHWORTH

GUINNESS and Grand Metropolitan shareholders may have to vote on the merger of the two companies before the deal gains clearance from US regulators.

Despite posting formal documents relating to the proposed new company, Diageo, Guinness and GrandMet admitted that the US Federal Trade Commission (FTC) has yet to pass judgment on the deal. The uncertainty could cloud proceedings when shareholders meet on November 26.

It had been hoped that the FTC would deliver its findings by the end of October, but the companies are hopeful that talks will result in a mutually satisfactory agreement.

Diageo will pay shareholders £2.8 billion, or 70p ordinary share, after the merger. This is 10p a share more than had been expected.

Guinness and GrandMet said that any concessions demanded by the FTC are not expected to exceed 5 per cent of profit before interest, tax and exceptional items, based on 1996 figures. Therefore, they are unlikely to delay implementation of the merger, or require further shareholder notification or approval.

The European Commission said last month that it was minded to approve the merger with certain concessions. These include selling the Guinness Scotch whisky brands of Dewar's and Ainslie's in Europe, and handing distribution of GrandMet's Gibeys gin in Belgium to a third party.

BUSINESS TODAY

STOCK MARKET INDICES

FTSE 100	4906.4	(+64.1)
FTSE All share	2318.98	(+25.11)
Nikkei	15,000	Closed
New York	7602.69 (+180.61)	
Dow Jones	103.28 (+1.65)	
S&P Composite		

US RATE

Federal Funds	5.75%	(5.75%)
Long Bond	102.70	(102.70)
Yield	6.50%	(6.16%)

LONDON MONEY

3-mth Interbank	7.75%	(7.75%)
Libor long gilt	118.75	(118.75)

STERLING

New York	1.6768	(1.6726)
London	1.6770	(1.6769)
DM	2.9115	(2.8882)
¥	161.33	(161.33)
SF	2.3733	(2.3418)
Yen	202.56	(201.68)
£ Index	102.9	(102.3)

\$\$\$ DOLLAR

London	1.7366	(1.7248)
DM	2.9115	(2.8882)
SF	2.3733	(2.3418)
Yen	120.97	(120.40)
£ Index	104.5	(104.3)

TOKYO CLOSE YEN CLOSED

DM	1.7366	(1.7248)
SF	2.3733	(2.3418)
Yen	120.97	(120.40)
£ Index	104.5	(104.3)

NORTH SEA OIL

Brent 15-day (Jan)	\$20.20 (\$20.05)
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GOLD

London close	\$314.25 (\$312.15)
* denotes midday trading price	

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Airbus wins £3bn order as Boeing trims range

By Adam Jones and Oliver August

AIRBUS INDUSTRIE, the pan-European aeroplane consortium, has claimed that its share of the commercial aircraft market is now approaching 50 per cent, after yesterday securing firm orders for 124 single-aisle aircraft, worth up to \$6 billion (£3.6 billion), from US Airways.

If the airline takes up options on further aircraft, up to a total of 400, the deal could be worth as much as \$18 billion.

The purchase had been in doubt because US Airways had to agree a pay deal with pilots before it felt it was in a position to sign the contract. Deliveries will begin in 1998.

Airbus, which celebrated the 25th anniversary of the take-off of its first aircraft last week, now claims that it is approaching 50 per cent market share this year.

Using its own calculations, which differ from those of Boeing, the industry giant, Airbus claims that it won 43 per cent of orders by number — for aircraft above 100 seats

— in the nine months to the end of September.

Its backlog stands at 1,007 aircraft, worth \$22.2 billion. A spokesman yesterday said that the consortium was keeping pace with the huge surge in orders across the industry, but admitted that capacity problems could not be ruled out if heavy demand continues. Airbus plans to increase production to 234 planes in 1998, from a likely 185 in 1997.

Boeing recorded a \$696 million loss in the third quarter of 1997 after a flood of orders halted 747 and 737 production lines.

Boeing yesterday announced that it will stop making two of the four aircraft of McDonnell Douglas, the aerospace group that it took over earlier this year. Production of the medium-size jets, the MD-80s and MD-90s, will be ended in 1999 to cut costs.

The two aircraft were being marketed in direct competition to Boeing's 737. Two other McDonnell Douglas aircraft, the MD-11 and the MD-90, which is still at the design stage, will be kept, although their long-term future is uncertain.

The cutbacks will let Boeing step up production of its own aircraft. The aerospace industry is currently at the top of its production cycle, but Boeing's production problems are unusually severe. Analysts said that although the immediate benefit from stopping McDonnell work was small, the move would let Boeing plan production schedules for the next two years more accurately.

Boeing said that it would deliver the launch order for the MD-90, the newest and smallest of its aircraft, but that it may scrap the model after that. Bob Woodward, the commercial aeroplane president, said: "Production will depend on reducing costs. Over the next several weeks, we will be discussing this issue with our partners and suppliers."



David Gee, managing director of Style Holdings, the men's fashion retailer, which yesterday said that it wants to expand its chain of Envy stores to 40. At the end of its first half, Style traded from

12 Envy stores, providing 22,000 sq ft of trading space. The company, which was floated on the AIM in August, has signed up for eight more sites providing another 23,000 sq ft. Style also trades from 127

concessions, selling the Willson, AW Trench and Diffusion brands. For the six months to August 31, Style reported a 28.3 per cent rise in pre-tax profit to £590,000. No dividend is proposed.

Channel One and CWC go to court

By Raymond Snoddy, Media Editor

CHANNEL ONE, the cable TV channel owned by the Daily Mail and General Trust, will ask the High Court today for an injunction against Cable & Wireless Communications, the largest cable group, over how the channel is sold to viewers.

Channel One, the cable news channel for London, which has already expanded to other cities such as Bristol, is taking action because it has been left out of the cheapest package of channels that CWC offers to its subscribers. Channel One, in which DMGT has already invested £40 million, alleges that this breaches a ten-year contract and that the channel should be made available to all CWC's cable subscribers in London.

The future of the channel could hang on the outcome. Until recent measures to make savings, the channel was cost-

ing about £10 million a year and bringing in about £3 million a year in revenue, mainly from subscription fees of 25p per subscriber per month. If the number of paying subscribers falls, new questions will be raised about the channel's viability.

CWC said yesterday: "There has been no breach of contract. Our Headstart package is a promotional tool not a basic package." Headstart offers a telephone line and a small number of cable channels for £11.99 a month. Channel One is not included, although it is part of the main basic package of channels.

A similar row between Live TV, the Mirror Group cable channel, and NTL, another cable group, reaches the High Court on Monday. The case is expected to last two weeks.

Treasury rejects Nationwide plea

By Caroline Merrell

THE Government has rejected the Nationwide Building Society's plea to bring in new rules to protect mutuals.

The society wanted the Treasury to make it harder for members to stand for board election. Earlier this year, the Nationwide defeated, by three votes to one, an attempt by Michael Hardern, a freelance butler, and four other candidates to gain board positions.

If the candidates had been elected, they would have tried to force the Nationwide to float on the stock market, like the Alliance & Leicester, Woolwich, Halifax and Northern Rock. flotation would then have been worth around £2,000 for each of the building society's 3.5 million members.

The candidates, labelled as "carpetbaggers", needed only 50 nominations to stand for

election. The society wanted the Government to increase this to 350.

However, Helen Liddell, economic secretary to the Treasury, has rejected the society's plea. She claims that any such move would be "undemocratic".

Her decision now leaves the Nationwide vulnerable to a second attempt by "carpetbaggers" to gain positions on the society's board. Five new candidates in favour of conversion are already putting themselves up for next year's board elections.

The Nationwide now has nearly four million members. Many of the 500,000 who have recently joined are speculators hoping to gain another windfall, making it unlikely that the society would triumph in a second vote.

BUSINESS ROUNDUP

Reed to auction IPC despite suitors' hopes

REED ELSEVIER looks set to sell its IPC magazine division for at least the £800 million price tag after it emerged that a number of media groups wanted to pre-empt an auction by putting down a premium price in return for exclusive negotiating rights. However, the company has decided to proceed with a two-stage auction around the turn of the year.

Interest has come from a wide range of serious media players including VNU of The Netherlands, Bertelsmann and Bauer of Germany and Hachette of France. KKR, the US venture capital group, has expressed an interest, as has Enmap, the British media and exhibitions group, the Mirror Group, publishers of *The Mirror*, and News International, the News Corporation subsidiary that owns *The Times*.

House price setback

THE annual growth rate in house prices dropped sharply in October but does not threaten the gradual recovery in the property market, the Halifax said yesterday. According to the Halifax House Price Index, annual price inflation fell to 5.4 per cent last month from 6.99 per cent in September. The Halifax said the drop merely reflected a strong rise in October 1996. On a seasonally adjusted basis, house prices rose 0.4 per cent in October, 0.2 per cent more than in September.

Automotive gloom

AUTOMOTIVE PRECISION HOLDINGS, the troubled engineering components maker, lost 36 per cent of its market value yesterday after saying that demand for its car-opener parts had unexpectedly tailed off in recent months. It has suspended production schedules until the market settles. The company also said that an internal cost-cutting exercise has run over budget and been more disruptive than expected. The shares — 120p earlier this year — fell 10p to a 17½p low.

Pudding millionaire

RORY RHIND, founder of The Pudding Company, is set to become a paper millionaire when the cakes and deserts firm joins the Office exchange next month in an offer for subscription to raise £820,000. Mr Rhind will enjoy a £1.35 million stake in the company, which will be valued at £3.28 million. It is being renamed Sterling Foods, and is placing 820,000 shares at 100p apiece through Griffiths and Lamb, the broker.

Blakes issues warning

BLAKES, the menswear chain spun off from the Formal Group in August, has given warning that the pace of its sales growth has been curbed by the warm autumn. Pro-forma profits before tax were £176,000 (£111,000) for the six months to September 31, leaving earnings of 1.59p (0.92p) a share. However, the company still expects to progress this year. It has agreed terms for a further four stores. The shares, which joined the market at 73p, held at 74½p yesterday.

Deal lifts Pan Andean

SHARES of Pan Andean Resources rose 19 per cent as the oil exploration company said it had agreed to buy two oil and gasfields in Bolivia for £1.64 million. The first field has at least two major exploration targets with drilling due to start next year. The second has reserves capable of supplying a 30mw power station. The company will deliver a progress update at the end of next month. The shares, which trade on the Alternative Investment Market, gained 6p to 37½p.

TOURIST RATES

	Bank	Bank
	Buy	Sell
Australia \$	2.45	2.27
Austria Sch	21.49	19.83
Belgium Fr	66.27	58.31
Canada S	2.476	2.288
Cyprus Cyp£	0.902	0.890
Denmark Kr	11.87	10.76
Finland Mk	5.29	4.54
France Fr	10.23	9.45
Germany Dm	3.08	2.83
Greece Dr	483	444
Hong Kong S	13.78	12.58
Ireland P	12	10.6
Israel Sh	1.16	1.09
Italy Lit	6.22	5.71
Japan Yen	217.13	199.80
Malta	0.677	0.616
Netherlands Gld	3.473	3.178
New Zealand S	2.80	2.56
Norway Kr	12.41	11.52
Portugal Esc	309.53	287.50
S Africa Rd	8.72	7.76
Spain Ptas	257.28	238.50
Sweden Kr	13.47	12.37
Switzerland Fr	2.53	2.31
Turkey Lira	315848	295988
USA \$	1.791	1.638

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12	RESIDENT ALIEN	by Quentin Crisp	£3.98	£1.98
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CHANGING TIMES

Many sides to a minimum wage



COMMENTARY
by our City Editor

With Professor George Bain and his Low Pay Commission now inviting opinions on where the minimum wage should be set, they must be prepared for some serious ear-battering from the voices of vested interest.

The British Retail Consortium is warning in shrill tones that shop prices could soar as a result of the minimum wage, impacting on the unwaged as well as those in work and so disadvantaging the poorest in our society. It is a valiant effort that the shopkeepers' lobbyists feel obliged to make, given that some members do pay minimal wages and would like to continue to do so.

But even the BRC has to concede that, set at £3.80 an hour, a national minimum wage would not produce too much of a blow for the unwaged consumer. In fact, it would add just 16p to an average £80 supermarket bill. Raise the minimum to £4.40, however, and the extra cost would be an inflationary £1.20.

At the opposite end of the vested interest spectrum from the BRC, the unions that are making their submissions to the Low Pay Commission are unanimously setting their sights above £4.

Yet the bald figure is only part of the argument. There have already been heavy hints that youngsters might be exempt from the minimum wage and that the definition of young could stretch as far as 25. The BRC chose to calculate its figures on

the basis that the minimum wage would apply to staff aged 19 and over. If the eventual legislation does stretch to 25, it could radically alter recruiting patterns, particularly in those industries such as retailing, where there is a high rate of staff turnover. Policies pioneered by B&Q for bringing grey-haired experience into the stores with a clutch of over-60s on the shop floor could rapidly go into reverse. Ageism would instantly be back in vogue.

Professor Bain and his entourage have until the spring before making their recommendations to the Government, but on one point he has indicated there is no room for manoeuvre. The minimum will apply across the country, although there is a growing clamour of voices in favour of regional weightings. If the minimum is to apply to Llandudno as well as London, then it will have to be low.

Companies, and government bodies already accept the necessity for varying wages to take account of local living costs and it seems perverse for the minimum wage to ignore the fact that survival in the South East is much more costly than in Tyneside. When a shoe manufac-

turer from Somerset raised the issue of regional weightings, he was apparently met with the sprightly riposte that he did not charge more for his shoes in some parts of the country than others, did he. But a number of retailers do operate regional pricing structures to take account of the prevailing local market and the costs of operating in it. Surely they should have some flexibility to deal with their staffing in the same way.

Eddie's parallel track to nowhere

Eddie George reckons that sterling, notorious as the post-out currency of the European exchange-rate mechanism, should now be treated as the pre-in partner in monetary union. With the zeal of a convert, the Governor promises that Britain's monetary and fiscal policies will march parallel to those in

euro-land. The novelty is only in the tone. UK policy has aimed to meet the Maastricht tests for joining the euro since 1992, and has done so with increasing clarity as the years passed.

If the new tone of bonhomie is to breed any substance, things will have to change in ways that challenge both the Bank of England and the Treasury. It was probably by accident that the Governor chose the term "parallel" in his remarks in Frankfurt yesterday, but the word exposed the dilemma.

Parallel paths do not converge, though they appear to if looked at from a distance. Beyond chance, why should the economic cycles of the UK and euro-land converge of their own accord by 2001? If the UK and the Bundesbank/European Central Bank apply the same policy tools to different domestic data, they are just as likely to maintain the same degree of divergence—unless you make an heroic

assumption that sound policies have killed business cycles.

If economic cycles diverge, the strain is diffused by currencies. Exchange rates rise and fall as business trends at home and abroad pass each other on the way up or down, propelled by differing interest rates.

Speaking alongside Mr George, the Bundesbank's Hans Tietmeyer rightly reminded us that candidate currencies need to be back in the exchange-rate mechanism for at least two years by way of preparation. This is not just German love of rules. If economies are to converge by design, policy at some point has to aim to keep sterling in line with the euro, whatever the domestic consequences. The French economy did not suffer so long for no reason.

Big economies can only be said to have converged when their exchange rates keep in line at roughly the same interest rates. Maybe luck will intervene, the

UK economy will grow at a stable rate and the Continent will catch up within the next four years. Otherwise, a Labour government will surely not be able to make an intelligent decision to join the euro early in the next parliament, unless the Treasury has changed its instructions to the Bank's monetary committee well before the election.

Family loyalty the key at Liberty

Elizabeth Stewart-Liberty is a formidable woman who has, in the past, resisted all overtures to persuade her to sell the business she married into. By resorting to the scorched earth defence of putting the business up for sale, Denis Cassidy may have hit on the ideal way of bringing an abrupt halt to her curious liaison with Brian Myerson.

For Mr Myerson is not wedded to the Liberty business or its heritage; he is driven by purely financial motives and if he could exit from Liberty without booking a loss, the betting is he would be on his way very rapidly.

His discontent with the current leadership of the company app-

ears to be relatively recently conceived. Only this summer he was putting together ingenious proposals for restructuring the company, which would have substantially benefited the existing directors while diluting the family's shareholding.

Now that Mr Cassidy has invited offers for the company, Mr Myerson has the option of finding the wherewithal and launching a full-scale bid rather than trying to organise a covert takeover. That is not likely to be his favoured option. There should be other takers for the company: its label is popular both in the United States and Japan.

But they may find it hard to prise the Liberty holding away from the Liberty family. One is reminded of the plight of Granada, locked into the holding in Savoy because Lady Wontner will not be budged.

Looking east

A SURVEY by the property experts Healey & Baker finds that European business chiefs rate London the best city in which to locate, far ahead of Paris, Frankfurt and Brussels. Quality of life barely features in their considerations, you understand. Intriguingly, however, it is to eastern Europe that most of the 513 companies polled are looking for expansion. Within the next five years, 90 of them expect to open in Warsaw and 81 in Prague.

Weston sits on £1.5bn AB cash pile

By CHRIS AYRES

SHAREHOLDERS in Associated British Foods, the food and retail company controlled by the Weston family, were yesterday told not to expect a slice of the company's famous £1.5 billion cash pile—in spite of rising profits and no firm acquisition plans.

The company did, however, promise to give a one-off payment of £45 million to shareholders through a 5p special dividend, after the profitable sale of its Irish retail operations to Tesco for £540 million. The dividend will be paid on February 23 at the same time as a second interim dividend of 5.75p.

The move comes as the City is becoming increasingly frustrated with the company's strategy of holding vast amounts of money in its bank account without making acquisitions. The policy is enforced by the Weston family, which has a majority shareholding in the company. Garry Weston, the 70-year-old chairman of AB Foods,

said yesterday: "We sold the Irish group for a very good profit and a lot of cash was released. Shareholders have a right to benefit from that. But it is a one-off. We could never have bought British Sugar six years ago if we had not had money in the bank. A lot of opportunities that come up will be for deals of that size."

Mr Weston confirmed that AB Foods would make an offer for the ingredients division of Dalgety, the troubled petfood and agribusiness group.

AB Foods saw a 9 per cent fall in sales for the year ended September 13, from £5.7 billion to £5.2 billion, which it blamed partly on sterling's strength. Pre-tax profits almost doubled from £430 million to £850 million, although profits on continued operations advanced only 10 per cent to £401 million. Earnings per share jumped from 31p to 75.6p. The company said profits had taken a £39 million hit from sterling.

Tempus, page 30

Loss grows to £23m at Waverley

WAVERLEY MINING, the mining investment company that recently parted company with Willie McLucas, its chief executive, has dipped much deeper into the red, with annual losses growing from £4.4 million to £23.6 million (Chris Ayres writes).

The company blamed much of the bad news on extensive flooding at Monktonhall Colliery, near Edinburgh, which was demolished at the weekend after having closed in June with the loss of 700 jobs.

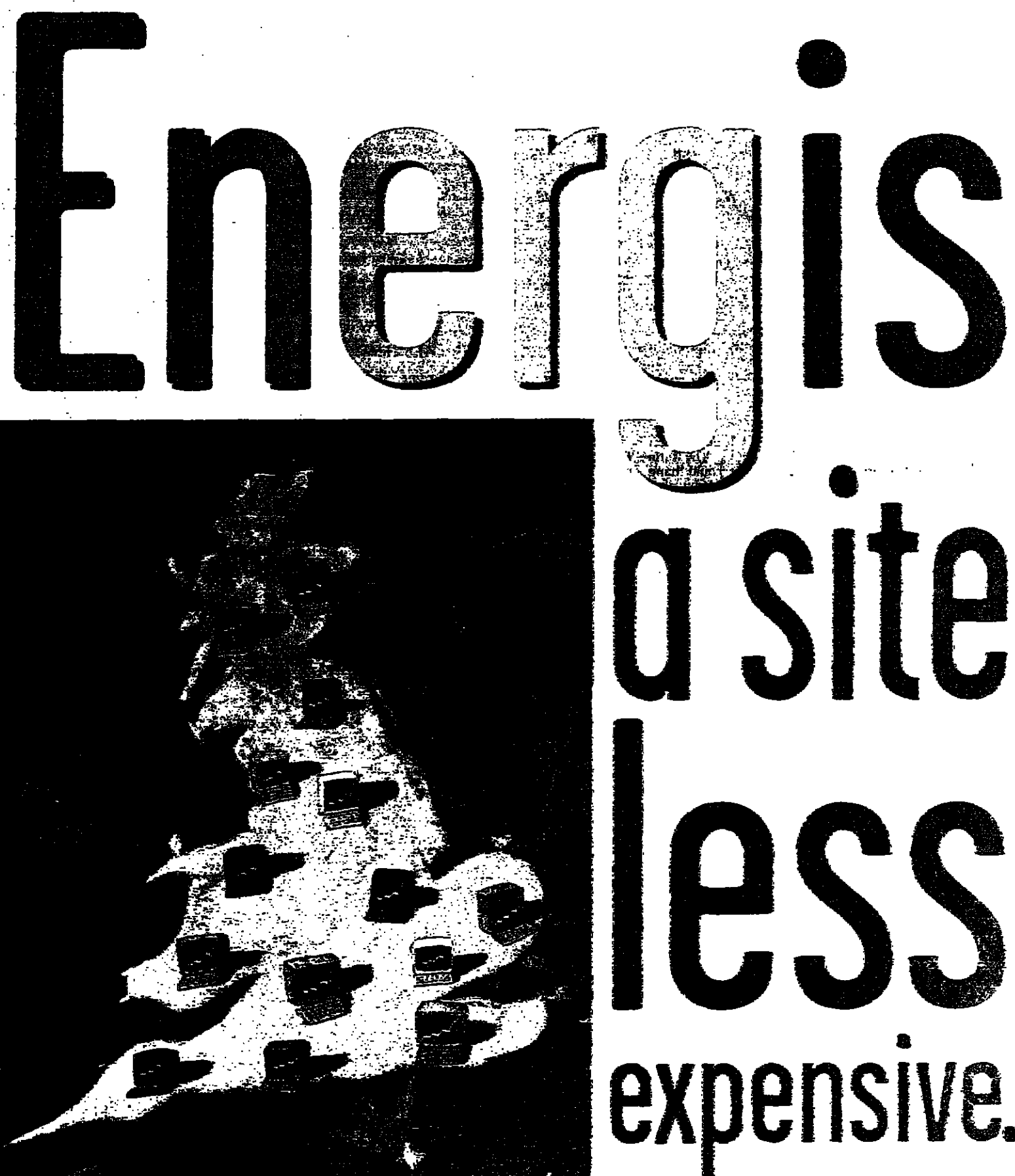
Anthony Johnston, chairman, said that despite the "heroic" efforts of staff, a liquidator had had to be appointed. The Longmorn Colliery, had also suffered from flooding and lost production. But the mine was now working at above target levels and had made a pre-tax profit of £7.8 million, Waverley said. Losses per share are 50.7p (10.6p). There is no payout.

Hilton in new bid for ITT

HILTON HOTELS, which is in an alliance with Ladbroke Group, yesterday sweetened its bid in the battle for ITT Corporation, owner of the Sheraton chain (Oliver August writes).

Hilton made a new \$9.3 billion (£5.5 billion) hostile offer after earlier being outbid by Starwood Lodgings, an investment trust. On paper, the offer is still below Starwood's \$9.8 billion merger agreement. But the hotel group claimed its stock swap component was smaller and its shares less volatile.

Steven Bollenbach, Hilton's chief executive, said: "The Starwood offer is long on questions and short on answers. We think we have very, very strong support from our shareholders. The big thing is that there has been a lot of change in the world in the last three weeks. ITT finally put its company up for sale."



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TEMPUS
Next phase

Clients send for the 'unspin-doctors'

Spin-doctoring is under scrutiny again after accusations that Charlie Whelan, adviser to Gordon Brown, the Chancellor, was too big for his boots when he briefed journalists on government policy towards the European single currency. Whelan, say critics, should not have been allowed to speak for the Government in off-the-record briefings that threw the financial markets into chaos.

But while political spin-doctors attract the spotlight, they are far outnumbered by their counterparts who move more quietly in and around the British business scene. Public relations executives, a breed ranging from the bland to the brazen, have been an established part of corporate armoury for more than 40 years. Spin-doctor is the pejorative 1990s name for a particularly aggressive and manipulative variety of the species.

The most influential business spin-doctors work not for companies but for smart London PR agencies. In-house PRs

who — sometimes reluctantly — collaborate with these racier types often view them with distaste and suspicion. "As with the Charlie Whelan fiasco the issue boils down to one of control," says one senior company PR. "Outsiders can be jolly useful in making companies see the big picture, but because they work off-site you can't properly monitor them. You never really know what they are saying in your company's name."

Mindful of the risks, many companies listen to outside PR counsel from accountants, lawyers, bankers, stockbrokers as well as the PR agencies themselves. But the shrewd clients keep tight hold of the reins of power. Sir Peter Davis, chief executive of Prudential, says: "It is essential for trust and credibility that our

relationship with the press is not only an open one, but also a direct one. Spokespeople for the Prudential are solely from the Prudential." Mike Blackburn, chief executive of Halifax, the bank, says: "Only Halifax people with Halifax values can speak for the Halifax."

Tim Jackman, chairman of Square Mile Communications, a PR agency, shares these companies' reservations and says: "If a company consistently relies on a third party to be its mouthpiece it could be a sign of a deep-seated problem. Companies should be willing to risk speaking direct to the public. The job of an agency is

giving advice and to a lesser degree advocacy. There are occasions that demand an agency to act as spokesperson, but these should be few and far between."

As a general rule, companies in the FTSE 100 index have used PR to keep their profile low, while stock market tiddlers have paid for PR to get noticed. But modern PR has taken on a far more important role.

Says Jackman: "PR is more sophisticated because companies are living in an increasingly transparent world where every move can be watched instantly

around the globe and every action made is judged. There is no hiding place."

PR now feels the pulse of the public. It receives information as well as controlling and distributing it. One in-house PR likened the role to "ongoing market research on the cheap."

Blackburn dubbed Halifax's PR operation "the company's corporate conscience". The office is, he says, often the first to hear the public reaction to what it and its competitors are doing and what is happening in the industry. He calls PR "the custodian of the brand". Sir Peter concurs, calling PR a "barometer".

He also regards seeing talking to the press as a main function of the Pru's corporate communications department. "It is in the frontline of communicating with our key

audiences, customers, staff, shareholders and opinion formers," he says. "Often by talking to the press we can get our message across more quickly than through advertisements or the post."

Nick de Jongh, corporate director of Public Affairs at GKN, the engineering and helicopter group, says PR is important in recruiting. "We employ very bright people who want answers about the company's policies," he points out. "You'd be surprised how many graduate recruits ask about our environmental stance."

The latest problem for PR professionals is dealing with overenthusiastic employers or clients. Says a rueful Jackman: "Because companies have now got the message about giving stories a spin, they sometimes propose angles that are so over the top that we have to dissuade them."

So the spin doctors are now becoming the unspin doctors.

LYNNE BATESON

Commission takes temperature on the practicalities of low pay

Philip Bassett
on consultation
in Northern
Ireland
about the
minimum wage

It is nine in the morning on the second floor of a new £1.7 million community resource centre in Newry, County Down. Outside, a thin rain greys the big shed shops of Curry's and Poundstretcher. Inside, the town's welfare activists, councillors and local union leaders are making clear at what level they think the Government's minimum wage should be set.

The rough streets of Newry are a world away from the committee corridor of the House of Commons, where Margaret Beckett, President of the Board of Trade, will appear before MPs this morning to be questioned about the Government's industrial policies. But they are connected — by the intense business and political interest in Labour's plans to introduce for the first time in Britain a legally enforceable national minimum wage.

Des Henderson, from the TGWU transport workers' union, Martin Toal, from Unison, the public service union, and Eamon McDaid, from Siptu, the textile workers' union, are in broad agreement: the Government needs to set a minimum of more than £4 an hour. They are agreed, too, on what is likely to prove an area of difficulty for Mrs Beckett, who appears this morning before the Commons Trade and Industry Select Committee — the Government's clearest indication that people as old as 25 may have to be exempted from the minimum wage.

Mr Toal says the minimum wage should apply to everyone aged 18 and over. "If 18 is good enough to have the vote, and if it's good enough to die for your country, it's good enough to get a decent living minimum wage." His reference to dying for one's country carries a particular resonance in the Newry area. It includes South Armagh, once ranked as Northern Ireland's single most violent rural area.

Even with the IRA's ceasefire, a quarter of a century of civil unrest has left a town like Newry hit hard economically. Newry's local business leaders point with pride to new investment in the area: Marks & Spencer is soon to open its



Tony Blair, Margaret Beckett and George Bain regard it as vital to get the level of the minimum wage right

largest shop in Northern Ireland there, and J Sainsbury is about to open a big new superstore too.

But violence has left its mark and helped to set pay levels in the Province the lowest in the UK, with the earnings gap between Northern Ireland and the mainland still widening rather than narrowing, according to the Department for Economic Development in Belfast.

So Northern Ireland is one part of the UK where Labour's plans for a national minimum wage will have the most significant effect. If, as looks likely, the Government next year sets a minimum wage at a level expected to be about £3.50 to £3.80 an hour, one reason, too, why the Government's Low Pay Commission has just visited its trips to different regions to get on-the-ground evidence of what a minimum wage will mean in practice.

On the ground with a vengeance, too. Not many economists spend much of time in chicken processing factories. But that was where David Metcalf, the Low Pay Commissioner and London School of Economics professor, went. Not many top London executives spend their time talking to young men about their pay in a small hardwood-floored distribution depot two miles from the Irish border. But that is where Stephanie

Monk, Granada's human resources director, went.

Professor George Bain, chairman of the Commission, insists that, to do its job properly, the Commission needs this kind of detailed, local scrutiny. In the first-floor office of Peter Murray, manager of Newry's Buttercrane shopping centre, where M&S will open next spring, local business leaders are making their pitch at Professor Bain and the Commission. Why not abandon plans for legislation, and try instead just to persuade business to raise its pay rates, argues Brian Rowntree, president of Newry's chamber of commerce. Professor Bain patiently but clearly explains that the Government has been elect-

ed to legislate on the issue, and intends to do so.

"What about a regional rate — especially in an area like Northern Ireland?" asks Jack Murphy, head of Newry's chamber of trade, who runs three jewellery shops in the Province. Professor Bain says they are charged with recommending a national rate — though he gives a strong indication that the rate will not be a high one by saying that, in doing so, the Commission will have to recommend a rate that works across the country. "We have to strike a figure which will be appropriate in Belfast and Birmingham."

These men and others who the Commission meets as it fans out across Northern Ireland for the day make clear the difficulties of intervening in complex and often finely balanced labour markets, as the Government is determined to do with the minimum wage.

Business leaders all over the UK insist that the Commission must not recommend a rate that will lead to job losses. Newry has 72 per cent of its working population in the labour-intensive service sector. Unemployment stands currently at 12.4 per cent.

Yet, Tony Williamson, a local newsagent, tells the Commission that even if he paid his employees as much as, say, £4 an hour, he would find it difficult to recruit people.

Partly that's because of the hours he must open his business — 7am to 11pm, 365 days a year — but partly it's because of the combined effects of the poverty trap, the black economy, the exchange rate and the Republic's economic success.

All over Northern Ireland, indeed all over the UK, people judge it better financially to stay on benefit, family credit and free school meals than take a low-paid job. Labour leaders want their Welfare to Work programme, the minimum wage and the study of the tax and benefits system under Martin Taylor, chief executive of Barclays, to crack this problem — but they know it is formidable.

Micky Brady, welfare rights

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Micky Brady, welfare rights

business leaders in an area such as Northern Ireland warn the Commission of the risks of trying to introduce new regulation, like a minimum wage, into this finely balanced pattern.

Labour's plan to introduce a minimum wage is a new tough factor with which business across the country has to deal. As Tim Dewhurst, chairman of the Dewhurst meat group puts it, noting that his traditional annual pay negotiations are in effect frozen ahead of the Commission's recommendation: "We are in a situation where the Government and the Commission is now controlling a major element of our costs — and that is not a comfortable place to be."

Many similar businesses are waiting in a similar position. For George Bain and the Low Pay Commission, that is why visits like its Northern Ireland trip are so important — in addition to all the national-level evidence-taking and economic analysis that it will do before coming up with its key recommendation, which will have widespread economic and industrial effects. For business, for the unions, for low-paid workers, for Margaret Beckett today and Tony Blair when the Commission's advice drops on his desk next spring, that is why it is vital that the Commission gets its recommendation right.

Partners for Independence, a charity that trains Labradors and Golden Retrievers to help the disabled. "It is rather early to have an exhibition," he admits. "I've drawn or tried to draw for most of my life, at evening classes, half days and so on." That is, when he was not firing George Walker — he was chairman of Brent Walker, probably his most high-profile job, at the start of the mammoth reconstruction there. A Kindersley original will set you back £200 to £200, all of which goes straight to the dogs — framing and other costs are being paid by another charity, the Hedley Foundation.

MARTIN WALLER



In the frame: a Lord Kindersley original could set you back £200

BUSINESS LETTERS

Hurdles to membership no incentive for non-EMU businesses to prepare

From Mr Maurice C. Fitzpatrick
Sir, You suggest (Commentary, October 28) that the onus is now on business to prepare for EMU. This is against the context of the Chancellor's October 27 announcement regarding EMU, the effect of which is that, were all to go according to plan, the Government would take the UK into EMU in 2003 or 2004.

Given that some 11 European countries are likely to join EMU on January 1, 1999, then UK businesses engaged in significant trading with Europe will need to make early preparations to accommodate trading with the EMU zone. But what about the millions of small and medium-sized businesses which have no significant trade with the new EMU zone?

Before such businesses spend money preparing for EMU, they need to recognise the nature of the four hurdles, each of which has to be cleared before the UK can join EMU.

□ EMU has to work, against the background of the potentially massive economic dis-

ruption which could be caused by the computer millennium problem.

□ Labour has to win the next general election.

□ Labour's five economic criteria for entry, in particular the necessity for the UK and other EMU economies to be in synchronisation, have to be met in time for a referendum in say 2002.

□ A "yes" vote has to be achieved in a referendum. Recent opinion polls suggest a majority of up to 3:1 against entry, indicating that at the very least a significant turnaround will have to occur — possibly in the teeth of opposition to EMU from a significant part of the UK press.

Given the likely EMU timescale, and the nature of the above hurdles, it is clear that much of UK business will have little motivation to prepare for EMU over the next five years.

Yours faithfully,
MAURICE C. FITZPATRICK,
Head of Economics,
Chanrey Vellacott,
Russell Square House,
10-12 Russell Square, WCI.

Food for thought at Sainsbury's checkout

From Ms Mary Judah
Sir, Your City Diary of October 25 appeared to find Sainsbury's IT recruitment advertisement featuring a cabbage to be a source of some bewilderment. More entertaining perhaps was the report of a theory, espoused in your pages three days later by the highly perceptive Mr Richard Rockingham Gill that the cabbage could perhaps represent the German Chancellor, Herr Kohl.

I must assure you that this connection was completely unintentional and any political inference is purely conjectural. Nevertheless, I am encouraged by the interest our advertisements have stirred.

The intention is after all to make you look twice — to encourage IT professionals to

change the way they look at Sainsbury's. Readers may well recognise in our other advertisements a whole pattern emerging — the pineapple of Nelson Mandela, the olives of Italian premier Romano Prodi, and the green pepper of King Zog of Albania.

Of course, on the other hand, they could just be groceries. Perhaps *The Times* should run a competition for its readers to spot the connection. Watch this space... Sincerely Yours,
MARY JUDAH,
ISD Human Resources Manager,
Sainsbury's Supermarkets,
Stamford House,
Stamford Street, SE1.
Mary.Judah@tao.j-sainsbury.co.uk

Business letters can be sent by fax on 0171-782 5112.

Wine seller

LESS than a month after he organised the world's most valuable single-cellar wine auction, Paul Bowker, head of the Christie's wine department, is quitting.

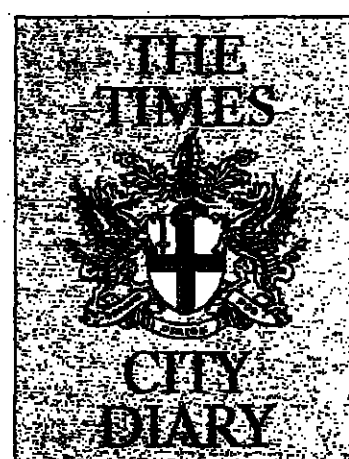
He is joining Bordeaux Index, a wine brokerage founded earlier this year by two City investment brokers, Gary Boom and Richard Mannell. Their company already claims to be about to eclipse established names such as Corney & Barrow, Berry Bros & Rudd and Bibendum as the UK's second-biggest fine wine broker.

Appropriately, Bowker brought a certain flavour of City wheeler-dealing to Christie's. He joined as a junior assistant in 1984, succeeding the highly respected Michael Broadbent as head of the department in 1995. He organised the first auction of *en primeur* wines, which helped to trigger recent huge rises in wine prices. As a result, last month Christie's wine sales exceeded the total amount taken at King Street in the whole of 1996. It sounds as if he will be sorely missed.

ON THE day that we learn that 1997's sole contribution to the lexicon of the 20th century is the bland, derivative term Blairite, I hear that at least one other name was doing the rounds of the new City super-regulator before they finally settled on... excuse me while I go and look it up. Ah, yes, the Financial Services Authority. Somebody thought it would do the regulator no harm with the new Government if they want for the Banking, Life Assurance and Investments Regulator.

Data debased

PROOF of something I have long believed: new technology proliferates according to the ability of the gullible



to afford it rather than their ability to use it. A survey of 200 corporate financiers by Investext Group, which provides electronic research and analysis, finds them swamped with the stuff but with little idea what to do with it. Two thirds received no training on the databases they are expected to use. And while all the banks have connected their people to the Internet, only 16 per cent use it for information retrieval. The rest are still trying to work out the location of those pictures of Pamela Anderson.

Cross purpose

I UNDERSTAND that BT, which has made thousands redundant at enormous expense since privatisa-

tion, has found a way of achieving the same result for free. New roadworks appeared over the weekend outside its St Paul's headquarters. These have made crossing St Martin's Le Grand, which separates BT from the City as a whole, especially exciting. Halfway across, you discover that the only way to reach the button that operates the other half of the pelican lights is to step over a barrier and into the oncoming stream of traffic.

DAVID POTTER, chief executive of Guinness Mahon, was in a nostalgic mood at yesterday's Design Council bash about the days, less than 30 years ago, when international telephone calls were rare events. They had to be signed off in advance, with users completing a form listing whom they were calling and how long this was expected to take. "You then had to wait outside the chief executive's office while he signed it."

Dog's life

WHEN you have gone a few rounds with George Walker in the course of a City career, a quiet retirement painting watercolours must have its attractions. Lord Kindersley, the Lazards merchant banker, took up painting only 18 months ago, and those interested in his progress should go along to The Sloane Club tomorrow for the start of a 12-day exhibition. The 53 paintings on display are all for sale, proceeds to Carine



"Heard the news? Eddie George says the economy will track the euro"

Former Pru chief tipped to head United Assurance

BY MARIANNE CURPHEY, INSURANCE CORRESPONDENT

JIM SUTCLIFFE, who resigned in September as head of the Prudential's UK operations, is being tipped to make a return to the insurance market at the head of United Assurance, the £1.4 billion life insurer created from last autumn's merger of United Friendly and Refuge Assurance.

His return is being tipped by institutional investors after the surprise announcement that George Mack, United's chief executive, will leave the company at the end of January. United said he would be pursuing "other interests" and that no immediate replacement had been found. John Cudworth, chairman, said: "Following discussions with the board George decided to leave."

Institutional sources said Dr Mack's departure was a consequence of boardroom tensions and would pave the way for the appointment of Mr Sutcliffe. Shares in United Assurance

rose 15p to 490.5p yesterday on the news, outperforming most of the sector. Britannia, a close rival, fell 2p to 940.5p.

Dr Mack has been responsible for merging the two companies, including the rationalisation of the sales force, the creation of a single marketing group and the combining of the two head office operations. The insurer had predicted cost savings of £37 million from the merger but some institutions had begun to question the board's strategy. They had also expressed disappointment at the company's share price performance and the confusion over how cost savings would be split between shareholders and policyholders. After starting out at just over 440p, the shares hit a high of 545.5p in February but have been volatile recently.

Mr Cudworth said yesterday: "I believe that there is good value in the company."

He said that headhunters had been appointed. Asked about tensions between himself and Dr Mack, he said: "I do not wish to comment on rumours of that nature. George will continue in his role until January and I will continue as chairman."

Both men have worked in the life insurance industry for many years. Dr Mack, 52, had worked at United Friendly for 17½ years before the merger while Mr Cudworth, 61, has been with Refuge Assurance for 43 years.

The statement from the company said yesterday: "With successful completion of the integration now approaching, Dr Mack has decided to pursue opportunities elsewhere. However, he has agreed to remain as group chief executive for the next three months, by which time the principal remaining integration task relating to the merger should be in place."



Bob Templeman, left, and Terry Roydon yesterday

Builder Prowting trebles its profit

By OUR CITY STAFF

PROWTING, the house-builder, has sold a failed property development of Peter de Savary, helping its overall profits to more than treble at the halfway stage.

The company bought an 80-house Falmouth marina that had been built in association with Mr de Savary, but had been placed into liquidation after no buyers were found. It sold 79 of the houses within four weeks, after refurbishment, and legal completion is due in the second half.

After a full six months' integration of Magnus Homes, Prowting's pre-tax profits jumped to £6.78 million (£2.22 million) on sales of £79 million (£59.2 million) in the half year to August 31.

Terry Roydon, chief executive, said house prices had been improving steadily, but not spectacularly. After a management shake-up, margins nearly doubled to 11.3 per cent.

Prowting, of which Bob Templeman is finance director, lifted earnings per share to 6.4p (1.6p). The interim dividend is 2.1p (1.9p).

BUSINESS ROUNDUP

Zimet sheds part of Freepages holding

RONALD ZIMET, the controversial Israeli-based financier who emerged as a bit player during Lanica Trust's bid for Co-operative Wholesale Society (CWS), has sold part of his holding in Freepages Group, the freephone company he used to chair. Mr Zimet sold a 5.53 per cent stake to VNU, the Dutch publisher that now has 10 per cent of Freepages, but still retains 9.7 per cent of the group. VNU has been building its stake in Freepages over recent weeks.

While Gallileo, Lanica's vehicle, was preparing its abortive £1.2 billion bid for the CWS, it emerged that Trellis International, Mr Zimet's British Virgin Islands company, received £2.4 million for three days work helping to renegotiate a contract involving the CWS and a company controlled by Andrew Regan, the chief executive of Lanica. Mr Zimet, who said the transaction was a personal issue, stood down as chairman of Freepages shortly after stories about the payment emerged.

Costain shares return

COSTAIN shares are to be relisted on Friday after shareholders overwhelmingly approved a rescue share issue that has raised £47.5 million. The restructuring will leave Skanska, the Swedish construction group, with 7.6 per cent of the company. Costain said the restructuring would also increase shareholders' funds to £26 million and provide it with a net cash balance of £59 million.

Meteor sales drive

METEOR TECHNOLOGY, the Internet company that has lost 95 per cent of its market value on the Alternative Investment Market, is touring computer makers to revive flagging sales. It is demonstrating VideoTalk, which carries speech and low-quality video images on the Internet. Its shares started falling from 520p when Firecrest, its associate company, lost its broker and was ejected from AIM. They held at their low of 38p yesterday.

Liffe's record October

LAST week's stock market plunge made October the busiest month in the history of the London International Financial Futures Exchange (Liffe), where it traded derivatives worth a nominal £254 billion. Uncertainty over monetary union had also fuelled the speculative boom, it said, attracting 25.7 million trades in futures and options contracts – some 28 per cent higher than the last monthly record, which was set in September. Its busiest day was October 9.

Silvertech avoids AIM

SILVERTECH TECHNOLOGY, which makes computer systems that run oil rigs, has cancelled plans to join the Alternative Investment Market after selling 35.2 per cent of its shares to General Electric Capital. The private placing raised the full £3.5 million. Silvertech now intends to seek a full stock market listing after investing the money to expand into other heavy industrial markets. George Kynoch, a former Conservative minister, will remain non-executive chairman.

BP buys small holdings

BRITISH PETROLEUM is to buy in the minority interests of two of its European subsidiaries. It has agreed with the Gan Group to acquire its 6.5 per cent shareholding in BP France for Fr493 million (£50 million), a price of Fr180 a share. BP has also agreed to buy a 6.63 per cent minority in BP Oil España at 8,200 pesetas (£33.30) a share. The shares of BP France and BP Oil España have been suspended on the Paris and Madrid bourses.

Intercare shuts factory

INTERCARE GROUP, which specialises in healthcare, is to close its Booster Electric Vehicles factory in Huddersfield, West Yorkshire, with the loss of 56 jobs. The move, which will cost the group £1.2 million this year, has come because Intercare wants to transfer production of the electric-powered scooters to its Montis Mediquip business in The Netherlands. John Parker, Intercare chief executive, said that most of the market for the scooters is in The Netherlands.

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But business isn't the only success story in Telford. There's also an excellent quality of life, with the South Shropshire Hills, Snowdonia and the beautiful Welsh coast all in easy reach; a wide range of sports and leisure facilities; attractive homes in Telford and the surrounding villages; and one of Europe's biggest town parks right next to the magnificent Telford Shopping Centre.

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TEL FORD

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CHANGING TIMES

Sanyo Securities brokerage collapses under £1.8bn debt

By ROBERT WHYMAN IN TOKYO

SANYO SECURITIES, encumbered by bad debts, yesterday became the first prominent stockbroker to declare bankruptcy in Japan's postwar history.

The medium-sized brokerage house, burdened by debt of ¥373.6 billion (£1.86 billion), filed for reorganisation under Japanese bankruptcy law.

Hiroshi Mitsuzuka, Finance Minister, appealed for calm and pledged that customers' assets would be safeguarded. He said the Government expected Sanyo's three main creditor banks to maintain the brokerage's operating liquidity.

Sanyo Securities, with capital of ¥39.7 billion and 2,310 employees, became the latest casualty of imprudent lending to non-bank financial institutions (lenders without a licence to take deposits from the public). With the bursting of the 1980s asset price bubble, a number of non-banks have gone under because of customers' inability to repay loans taken out to buy overvalued property assets.

In May the small Ogawa Securities closed in the first move of its kind in Japan in 30 years. Seventeen of the 21 mid-sized brokers have announced losses for the year's first half.

Sanyo Securities has been in dire straits since being forced to take over ¥80 billion in non-performing assets from its affiliated non-bank, Sanyo General Capital, and other finance companies in 1994.

Under a restructuring plan, Sanyo Securities borrowed ¥20 billion from Nippon Life Insurance and eight other life insurers. The brokerage raised another ¥20 billion by allocating new shares to its main creditor banks — Bank of Tokyo-Mitsubishi, Nippon Credit Bank, and Daiwa Bank — and to Nomura Securities, one of its biggest shareholders. The crunch came last Friday when the nine life insurance

companies refused the stockbroker's request for a further extension of the repayment deadline on their ¥20 billion in subordinated loans. These are unsecured loans on which repayment priority is secondary if the borrower goes under. They can be counted as equity of the lender if the remaining maturity period is more than a year.

However, rules on capital-to-risk asset ratios for securities firms require that subordinated loans maturing within 12 months — such as the loans to Sanyo — cannot be counted as part of the brokerage's capital. When the nine insurers re-

fused an extension, Sanyo Securities' capital-to-risk ratio fell below 120 per cent, raising doubt about its viability. It had already been hit by falling commissions in Tokyo's slumping stock market and by heavy investment in hi-tech trading centres.

Earlier this year, Sanyo said it would close units in the US, Switzerland, South Korea and China in a restructuring. It has also been operating in Britain, Hong Kong, Singapore and Taiwan.

Analysts fear further failures among brokerages as the industry undergoes a shake-out before deregulation.

AN "unprecedented" Court of Appeal ruling held back the recovery in profits at Stratagem, the fridges-to-BMWs group that has suffered losses over the past couple of years.

Profits before tax and exceptions recovered to £3.1 million in the year to August 31, compared with a loss of £3.0 million in 1995-96.

Earnings turned around to 7.6p, from a loss of 8.4p, and an unchanged final dividend of 2p takes the total for the year to 4p, unchanged from last time's payout.

However, the group was hit by a £2.1 million exceptional write-off after losing a case at the Court of Appeal over a property lease that the company inherited in 1993.

Rent for the lease had been paid in advance for 20 years, but the landlord argued that Stratagem was not entitled to a £15 million discount because of this arrangement. Stratagem has had to pay the £15 million, £300,000 of legal costs and another £200,000 of interest.

Bernard Kerrison, the chairman of Stratagem, described the ruling as "unprecedented" and is appealing to the House of Lords.

On the positive side, the group sold Firstpoint, its computer services arm, generating a profit of £2.3 million.

NRC Refrigeration, which ran into problems as soon as Stratagem bought it, recovered sharply, with £2.92 million operating profits. The building products side had a slow year.

Ruling on lease slows Stratagem recovery

By JASON NISSE

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Another strong result from Simon Bentley of Blacks Leisure, which enjoys "good sites and good ranges"

Blacks Leisure's winning strategy

By CHRIS AYRES

SLOW delivery of merchandise made abroad is behind the high price of replica football shirts and other branded sportswear, a leading sports retailer claimed yesterday.

(Blacks Leisure, the owner of First Sport, Blacks Outdoor and ActiveVenture retail chains, said stores that discounted sportswear quickly sold out of stock and had to wait to fill their shelves.

Simon Bentley, the group's chairman and chief executive, said: "Given that orders are made very early, there is very little point in discounting stock. You do not have the luxury to re-order."

"Although it was found that suppliers were imposing high prices, we frankly sell at prices we think we can achieve, which are sometimes higher than the RRP," Mr Bentley

made the claim, as his company reported another strong set of results, after seeing a fivefold rise in its share price this year.

Pre-tax profits were lifted by 36 per cent in the six months to August 31, from £3.9 million to £5.3 million, on turnover of £53 million, up 34 per cent from £39 million. Like-for-like sales at First Sport were up 11 per cent from last year. Earn-

ings per share rose by 29 per cent from 8.46p to 10.89p. An interim dividend of 1.75p (1.25p) will be paid on February 3.

Blacks will have opened 40 new stores this year and intends to open about the same number next year. Mr Bentley said: "We have good sites, good ranges, strong customer service and do not run out of stock."

Charkin to take over as chief at Macmillan

By RAYMOND SNODDY, MEDIA EDITOR

RICHARD CHARKIN, former chief executive of Reed International Books, is to return to mainstream publishing as chief executive of Macmillan, the US publisher that used to be owned by Maxwell Communication Corporation, from the beginning of next year.

Mr Charkin surprised the publishing world last year by leaving Reed Elsevier to become chief executive of Current Science Group, which publishes scientific journals. He was particularly interested in innovative Internet publishing sites. Some of the businesses were sold to Elsevier Science last month.

Mr Charkin, who will be responsible for all Macmillan companies apart from St Martin's Press and Macmillan Magazines, succeeds Nicholas Byam Shaw, who is to act as deputy chairman of the company and Mr

Charkin and John Sargent, chief executive of St Martin's Press and Ray Barker, managing director of Macmillan Magazines, will report to him. Dieter von Holtzbrinck, of Holtzbrinck, the privately-owned German publishers that bought Macmillan two and a half years ago, will become chairman of Macmillan.



Charkin: new move

Brands Hatch chief goes

By FRASER NELSON

NICOLA FOULSTON, the 30-year-old chief executive of Brands Hatch Leisure, is adding the role of finance director to her responsibilities after Simon Keeble announced he was resigning from the post in January.

Mr Keeble, who was recruited to the racing course owner in the run-up to its flotation 18 months ago, said he is leaving to pursue other business interests. Rather than seek a replacement, Ms Foulston intends to take on both roles for the time being.

A spokesman said Mr Keeble's departure was connected to the reduction in financial workload after the flotation 12 months ago.

The company runs four race courses and has recently turned its attention to entertaining businessmen and women.

Ms Foulston, who was named businesswoman of the year two months ago, was out of the country yesterday and unable to comment.

Phytopharm to seek cures from Indian plants

By PAUL DURMAN

PHYTOPHARM, a company that hopes to turn Eastern herbal remedies into Western medicines, is to work with India's largest agricultural business to develop potential products.

Rallis India, part of the Tata group, has agreed to bear the costs of early-stage toxicology and clinical studies in the hope of eventually securing drug manufacturing rights. Richard Dixey, Phytopharm's chief executive, said that his team would be responsible for selecting which plants to work on, and for later-stage trials of drugs on patients.

Phytopharm, based at Godmanchester, Cambridgeshire, will own the international rights to any drugs developed, and Rallis will retain rights to sell the products in India.

Dr Dixey said that this "footprint" deal recognised the importance to Phytopharm of certainty of supply. Zema-phyte, the company's treatment for eczema, ran into

problems with UK regulators because of concerns about ensuring the consistency of the product. Unlike conventional drugs, Phytopharm's "herbaceuticals" contain a mixture of active ingredients rather than a single compound.

Rallis is India's second-largest seed producer and cultivates about 25,000 acres under controlled conditions. It also has extensive interests in bulk pharmaceutical manufacturing.

Rallis has agreed to build an extraction plant costing an estimated \$2 million, to meet international regulatory standards. The first products from the alliance will not be available for some years.

Dr Dixey said that he hoped to be able to issue an update on the progress with Zema-phyte at the time of the company's interim results later this month.

Phytopharm shares — down from 210½p earlier this year — rose 1p to 81½p yesterday.

UN study offers reasons for decline of organised labour

Union membership slips worldwide

By PHILIP BASSETT, INDUSTRIAL EDITOR

A DECLINE in numbers means that trade unions now represent a majority of the workforce in less than a fifth of all countries worldwide, according to an international study out today.

The annual world labour report from the United Nations International Labour Office shows that unions now represent less than 20 per cent of workers in more than half the world's countries.

However, the ILO suggests that the union numbers has not necessarily

led to a drop in union influence, with many unions consolidating their strength in key sectors and adopting new strategies for the 21st century.

The ILO says that in 1995, the latest year for which comparable figures can be compiled, about 164 million of the world's estimated 1.3 billion workers belonged to trade unions.

Looking at employment and union membership in 92 countries, the ILO says that in only 14 states — considerably less than a fifth — does union membership now exceed 50 per cent of the workforce.

In 48 of the countries studied, union

membership is now down to less than 20 per cent of workers. In all but about 20 countries, trade union membership has fallen in the past decade.

ILO leaders say today that in countries such as the UK, Australia and New Zealand, declines in union membership of 25, 30 and 55 per cent respectively over the past decade stem mainly from changes in employment legislation. In Israel, a 76 per cent drop comes mainly from alterations to health care provision.

However, in the US, changes in the composition of the workforce are seen as one of the main causes of a 21 per

cent decline in membership to one of the lowest levels of unionisation among industrialised countries.

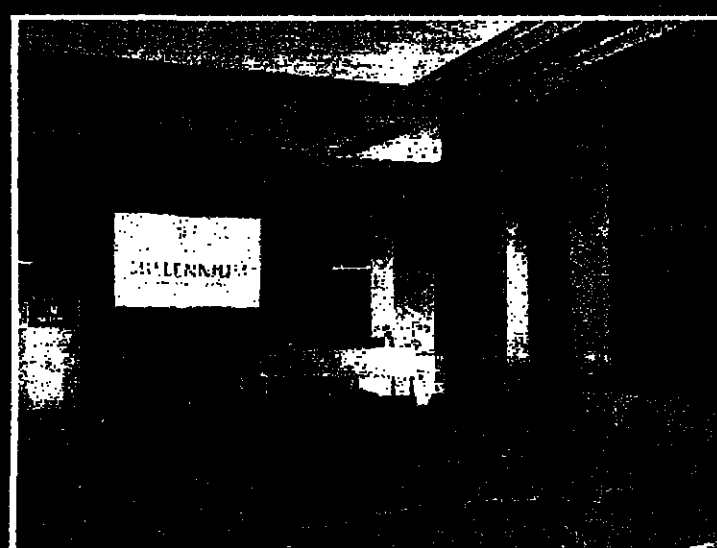
Trade unions in Britain could save the Government up to £5 billion in legal fees, benefits and medical care for injury victims if people applied to unions for help rather than relying on benefits, John Monks, General Secretary of the TUC, said last night. He told the Association of Insurance and Risk Managers that unions would "fill the gap" in civil justice arising from the Government's legal aid reforms by giving union members and non-members access to legal assistance.



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For him the bells toll

Top orchestras are preparing to ring the changes for Jonathan Dove's new work. John Allison reports

Jonathan Dove describes himself as "a very lucky composer". Indeed, few of his colleagues have a dozen different performances of a new work lined up before it has even been premiered, with the expectation of many more. But that is the happy situation in which he finds himself, having been commissioned to write *Ringling Isle* for this year's BT Celebration Series, one of the most enlightened of sponsorship schemes.

Following its premiere tomorrow by the London Philharmonic at the Festival Hall, the piece will be taken up by many of the country's top orchestras, each under a different conductor. And since *Ringling Isle* has been composed to mark the 50th anniversary of the Association of British Orchestras, each of whose 80-plus members are able to perform it free of hire charges, the piece will be coming soon to a hall near you.

For many in this country, the 38-year-old Dove is the public face of new music. Not only is his style at once individual and accessible, he is perhaps the only composer around who gets out there and gives non-musicians their own musical voice.

His biggest projects, under the auspices of Glyndebourne, have been community operas in Hastings, Ashford and Peterborough. The progress of one, four years ago, was charted on this page by Richard Morrison. All involved hundreds of performers. "When people compose together in groups," says Dove, "you end up with something quirky and unpredictable. I let other people put the first things on the page, although I do filter their ideas."

Dove discovered quite early on that he wanted to be a "useful" composer. "At Cam-

bridge, the very first thing I took along to my tutor, Robin Holloway, was a 20-page serial piece, and on page two he said, 'I'm bored already'. That remains the most important lesson I ever had. I realised that he was right, and that even I didn't really want to compose that music."

So it is not surprising that most of his output is for theatre, dance, film and church. He rescored Mozart, Verdi and Wagner (the condensed two-evening *Ring*) for City of Birmingham Opera, and the link with Glyndebourne has led to a full-length opera for next year's Glyndebourne tour and the 1999 Glyndebourne Festival.

Ringling Isle — no BT puns are intended — takes its title from Handel's comments about the bell-ringing he heard everywhere when he settled in Britain. "The sound of people ringing the changes is a peculiarly British sound of celebration, and a sound of communal music-making, so it seemed a good starting point for a piece celebrating British musical life. My overture is partly a celebratory fanfare, but it's designed to seduce the listeners rather than club them around the head." Characteristically for a musician who always seeks the widest audience, he has produced two versions of his six-minute piece — for chamber and full symphony orchestra.

Coming from a composer who writes for very practical ensembles and only seldom a full orchestra, *Ringling Isle* is different to most of Dove's output. He says that he would "love it to go into the repertoire", which is something that seldom happens because of the nature of his work. His next project, as music adviser of the Almeida Theatre, is the forthcoming *Government Inspector*, but once the play closes he



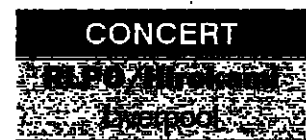
Jonathan Dove: "Bell-ringing, a very British sound, is a good starting point for a piece celebrating our musical life"

doesn't expect to hear the score again. Does that worry him? "No. Life is something glorious that happens once and can't be repeated. Of course, I like to write things that I can cherish and play over and over, but there are moments of which you can't always make a CD or video. You have to be there. Either you experience them or you don't."

● *Ringling Isle* is premiered at the Festival Hall (0171-960 4242) tomorrow at 7.30pm

An unforgettable debut

Jun'ichi Hirokami's first concert as principal guest conductor of the Royal Liverpool Philharmonic was an experience that the audience will not soon forget. One item, an intolerably coarse-textured Mozart Symphony No 36 in C, should be erased from the memory as soon as possible — although, like



toothache, it is actually more likely to persist than the soothingly beautiful but materially elusive *Takemitsu Requiem* for strings that shared the first half with it. As for the Mahler spectacular after the interval, it will continue to reverberate round the Philharmonic Hall for some time.

Hirokami's interpretation of the Symphony No 1 in D minor inspired mixed feelings about his intention to perform the whole Mahler cycle with the RLPO. If, however, he does no more than two symphonies a season, and if he approaches them in more or less chronological order, by the time he gets to the later works he will be four or five years older and, with luck, that much wiser.

Everything that happened in this performance, moreover, is in the score — includ-

ing the invitation to the horn section to get to its feet in the coda, and the addition of an extra trumpet and trombone to inflate the sound at this point. In fact, Hirokami was meticulous in his reading. Nothing went unobserved and nothing, thanks to his dramatically persuasive way with the orchestra, failed in its effect. The question is whether every nuance should become a lurid detail, and whether over the top was a destination which even the ambitious and iconoclastic 29-year-old Mahler would have wanted to achieve. Perhaps he would.

One certain fact which emerged from the concert is that, for all its financial problems, the Royal Liverpool Philharmonic Orchestra remains an impressively cohesive ensemble. There is a problem with the strings, but their sensitively coloured and finely balanced playing in the *Takemitsu Requiem* indicated that it is not insuperable.

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CLASSICAL CHOICE

A guide to the best available recordings, presented in conjunction with Radio 3

MOZART'S PRAGUE SYMPHONY NO 38

Reviewed by Jan Smaczny

MOZART'S Prague Symphony is unique from a number of points of view. Among his late symphonies, it is the only one in three movements — in Germany it is known as the "Symphony without Minuet" — and in an output of well over 50 symphonies is one of only three to have a slow introduction.

Composed in Vienna, the symphony received its premiere in Prague on January 19, 1787. Like the operas, *The Marriage of Figaro* and *Don Giovanni*, which brought Mozart's reputation to heights in Prague that he rarely experienced in Vienna, the slow introduction to the symphony breathes the atmosphere of the theatre.

The performances that reflect the innate theatricality of this introduction, often very close to the darker portions of the *Don Giovanni* finale, are the most successful. Bruno Walter and the New York Philharmonic seem alive to every gesture, imparting a whiff of sulphur to the rising string figures and steady tread of the main portion of the introduction. Period instrument performers also score well in this introduction with hard drum sticks and martial rhythms: Christopher Hog-



wood and the Academy of Ancient Music use the same tiny string forces available to Mozart in Prague, resulting in a remarkable clarity to the textures, matched by a lively approach in the outer movements. A number of performers seem too reverential in the fast section of the first movement among those who offer a straightforward, exhilarating view of this Allegro are Jane Glover and Sir Charles Mackerras.

Of the period instrument performances, Hogwood's is the most pungently characterised. Mackerras and Glover offer appealing performances of this vibrant work, but two old staggers stand head and shoulders above the competition: Walter and Otto Klemperer. Of the two, Klemperer with the Philharmonia Orchestra, although a vintage recording with a perceptible hiss, remains the most illuminating and enjoyable recording available (Testament SBT 1094, £12.99).

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● Next Saturday on Radio 3 (9am): Handel's Oratorios

Amends to Mendelssohn

On the 150th anniversary of the composer's death, Carole Rosen sees his home town pay belated homage

At 2pm last Friday Kurt Masur realised a 15-year dream when he officially opened the door of 12 Goldschmidtstrasse, the house in Leipzig where Felix Mendelssohn-Bartholdy spent the last two years of his life, as the Mendelssohn Museum. "We commemorate here the place where Mahler wrote his Second Symphony, where Brahms lived, where Schiller wrote his *Ode to Joy*," says Masur, chief conductor of the Leipzig Gewandhaus Orchestra since 1970. "But I found it a little shocking that people in Leipzig didn't care about Mendelssohn."

"His birth house in Hamburg has been destroyed, also the family home in Berlin. This house where he lived and died will not only be a museum but a research centre for conductors, singers, interpreters, music lovers and especially children — tomorrow's audience."

Seeing the four-storey neo-Classical building so beautifully renovated in time for today's 150th anniversary celebrations, one finds it hard to believe that only 18 months ago the first-floor flat where the Mendelssohn family lived was a dilapidated photographic laboratory. Baths of chemicals stained the walls of the study where Mendelssohn composed his last masterpiece, *Eljah*, for the 1846 Birmingham Festival.

Dr Thomas Weich, a Swiss lawyer who bears an amazing resemblance to his great-grandfather, Felix Mendelssohn, says it is little short of a miracle that sufficient money has been donated, particularly from Japanese Mendelssohn lovers, in time to complete the restoration. His grandmother Lilli, the youngest of Felix and Cecile Mendelssohn's five children, was born in the house in August 1845, only a month after the family had moved in.

Some of the original furniture remained in the Wach family and is now back in the rooms for which it was designed: in the smaller of the two sitting rooms are five lyre-backed mahogany chairs and a matching round pedestal table; there are statues of Rousseau and Voltaire, reflecting Mendelssohn's intellectual interests, and a bust of his grandfather, Moses Mendelssohn, philosopher of the Enlightenment and architect of the emancipation of the Jews. (Despite his Protestant baptism at the age of seven Felix Mendelssohn was to remain inextricably identified with his Jewish past.) Cecile's more practical homemaking skills are expressed in her wool embroidered fire screen and cushion covers on the horse hair sofa.

One of the most significant objects is the large leather travelling trunk, a present from "his English friends" in 1840, painted with a bustling scene of The George in Southwark — essential equipment for Mendelssohn in his exhausting schedule of engagements as composer, conductor and soloist, constantly travelling between Leipzig, Ber-

lin, Düsseldorf and London. It has been possible to reconstruct the original late Biedermeier decoration and furnishing of the rooms from the many sketches and watercolours that Felix and Cecile made — both were gifted graphic artists. Fellow composer Louis Spohr summed up the essential character of the establishment: "Despite every luxury and wealth there was a charming unpretentiousness, so that one felt completely at home."

The most significant room is the spacious salon where Mendelssohn regularly entertained and made music with his friends and contemporaries, including Jenny Lind, Ignaz Moscheles, Ferdinand David, Robert and Clara Schumann, Joseph Joachim and Richard Wagner. It was appropriate that for Friday's opening ceremony *Hausmusik* was charmingly pro-



Felix Mendelssohn: fell foul of the Nazi purge

vided by Masur's wife and daughter singing Mendelssohn duets, and by the Sonata in F for violin and piano played by the leader of the Gewandhaus Orchestra, Frank-Michael Erben, and the Canadian pianist Hélène Mercier-Arnauld.

Mendelssohn's contribution to Leipzig was immeasurable. He was the conductor of the Gewandhaus Orchestra from October 1835 until his premature death at the age of 38 in 1847. He raised the orchestra to one of the finest in Europe, and further increased the musical prestige of the city by founding its Music Conservatorium. In 1841 he conducted in the Thomaskirche, Bach's own church, the first performance since Bach's death of the *St Matthew Passion*.

But only three years after Mendelssohn's death Wagner published *Judaism in Music*, a vicious condemnation of Mendelssohn for his "superficiality": as a cosmopolitan Jew, unlike a true German, he could not reach deep into the human heart and soul, Wagner said. From 1933 Mendelssohn's "Jewish" music was banned from performance in Germany, and his statue outside the Gewandhaus was removed in 1936.

Masur was instrumental in commissioning a new statue, which was erected in 1993. Now he feels that with the opening of the museum as home to the International Mendelssohn Foundation, Leipzig has at last made amends.

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Ten new interpretations of dreams

**Richard Cork on
the Freud
Museum's launch
of a portfolio of
prints inspired by
the great pioneer
of psychoanalysis**

Anybody visiting the Freud Museum in northwest London soon discovers how much he valued the presence of art. Antique statuettes, many of them remarkably hypnotic, line the walls of his former home like sentinels. He collected them obsessively, and may have regarded these enigmatic figures as benevolent deities. But Freud also wrote about art, and his 1910 book on Leonardo da Vinci offers a provocative, if over-simplified, psychological study of a painter whose earliest memory centred on a kite visiting his cradle and striking his lips "many times with its tail".

Enthralled by this story, Freud was more guarded in his attitude to modern artists. He realised that the Surrealists "seem to have adopted me as their patron saint", but regarded them as "100 per cent fools (or let's rather say, as with alcohol, 95 per cent)". But these reservations did not stop him from encouraging his own grandson Lucian, now the most distinguished living figurative painter. And the superbly preserved house where Freud died in 1939 has become a place of pilgrimage, spawning works inspired as much by its potent atmosphere as by the ideas of the man who lived there after fleeing his native Austria.

So Erica Davies, the Freud Museum's director, had no difficulty in commissioning a portfolio of prints to celebrate its tenth anniversary. Cornelia Parker, widely tipped to win this year's Turner Prize, had collaborated with the museum before — most notoriously *The Mayday* at the Serpentine Gallery, where Tilda Swinton lay in a glass case for the duration of the show. Parker's new print reflects her preoccupation with the psychoanalytic couch. The 11-colour image centres on a projection of a feather from Freud's pillow. Transformed into a dark, arrow-like line, the feather seems to float in a space as unfathomable as the unconscious.

A similar sense of wonder is conveyed by Susan Hiller's print. Nine images based on microscope slides in Freud's museum, are displayed in neat rows, accompanied by a quotation from Jacques Lacan revealing his own interest in the great analyst's compulsive urge to collect.

Some artists in the portfolio focus on the man rather than his possessions. Claes Oldenburg has produced a typically boisterous print titled *Icons in a Smoke-Filled Room*. Most of the picture space is filled with blue-grey smoke, apparently swirling up from the analyst's cigar, glowing in a corner. But the most dramatic form is Freud's



Peter Blake's bizarre, dream-filled contribution to the portfolio of ten prints commissioned by the Freud Museum to mark its tenth anniversary. A limited edition of 100 portfolios is on sale for £3,000

outlining spectacles. They dominate the print, and each of the round lenses is branded with an 'X', derived, apparently, from Oldenburg's memories of a cartoon where Mickey Mouse is knocked out by a brick. Then, a similar 'X' hovered above Mickey, signifying a Freudian state of unconsciousness.

The master analyst's trademark cigar is even more prominent in Patrick Caulfield's clear-cut print. Floating near the centre, it gives off elegant trails of black and scarlet smoke. They take the shape of a hand, inspired by the decoration on some of the exquisite Greek vases also to be found in the Freud Museum's collection.

Classical art likewise appears to be the inspiration behind Alison

Watts's untitled contribution. She has produced a monochrome study of an antique head, far more sober than the other participants. Staring out with curiously sightless eyes, this monumental face is reminiscent of the statuesque Mediterranean women painted by Picasso in the early 1920s. She seems serene, whereas Paul Wunderlich's print bristles with restless and disturbing creatures.

Long indebted to Freudian psychological theories, Wunderlich sets up a macabre confrontation between a leering woman and a skeleton. The skull's mouth is widened in an equally eerie grin, while three sets of lips hover on the side of the brain. A predatory bird perches on the woman's head, and

she holds a luminous yellow leaf in front of her bony companion.

If Wunderlich seems to have taken as his springboard a full-blown Freudian nightmare, Joseph Kosuth restricts himself to words. One-off Conceptual Art's founding fathers, he prints a fragment from an anonymous new novel. It includes an observation which Freud himself would surely have commended: "People don't really talk to each other at all... They use language to disguise meaning as much as to convey it."

However diverse these prints may be, in style and mood alike, they are united by a very Freudian feeling of mystery. Prunella Clough's *Delphic* is perhaps the most tantalising of all. A black

form looms against a warm orange ground. Crimson dribbles from its side like blood oozing from a wound, but the form itself remains erect and secretive. If Clough intended the title to suggest oracular powers, she offers no hint of what the prophecy might be.

Or do we know why a woman presides over Peter Blake's contribution. With one breast saucily exposed and a cigarette dangling from her lips, she looks like a cabaret performer in an inter-war Berlin night-club. But she could easily come from Freud's Vienna, and the bizarre images behind her are filled with a dream-like strangeness. A giant winged

fish flaps through the sky past a battleship, while a bewigged 18th-century traveller hauls himself from the sea with the aid of a colossal balloon.

What would Freud himself have made of the portfolio, which also includes Matthew Hilton's jagged image called *Dora*, slashed by the red lips of a gaping mouth? The psychoanalyst might have felt at home with the subversive flavour of the prints, and related them to the fantasies recounted by his own patients. But he is known to have recoiled when a young and adoring Salvador Dali visited him in London only a year before his death. While Dali sketched the old man in a drawing-book, "his eyes so blazing with excitement", Freud

whispered in German: "That boy looks like a fanatic. Small wonder that they have civil war in Spain if they look like that."

But the willingness of all ten artists to make original work for the new portfolio is significant. Their lively prints pay tribute to Freud's continuing influence, and also reflect the museum's increasing involvement in exhibitions and artists' installations. Proceeds from the portfolio, produced in an edition of 100 for sale at £3,000, will help the museum to preserve the collection and develop education and research programmes.

For further information about the portfolio, contact Erica Davies at The Freud Museum, 20 Maresfield Gardens, London NW3 5SX (0171 435 3002).

Is Frankenstein alive and practising animal husbandry?

Original of the species

LUSUS NATURAE — "the sport of nature". That was how Victorian showmen advertised their funfair freaks, their bearded ladies and double-headed rats. The public queued to enjoy the horrid humour, to poke and giggle and stretch their eyes.

Nowadays we are less honest about our curiosity. Of course we still find a fascination in mutants. Why, otherwise, would we breed hairless cats and graft a human ear on to a living mouse? But the cruel pleasure once openly taken has been buried. We call such freaks not sports of nature, but "wonders of science".

The bizarre taxidermic creatures of the German artist Thomas Grunfeld stalk between the realms of joke and genetics. In his pieces animals of different species are joined seamlessly together: an ostrich's body is stitched to the head of a cow, a fawn sprouts bat's wings on its back, a swan is jugged with a hare. The connections are invisible, leaving the impression that they have been genetically combined, than surgically combined. Standing or lying in their lifelike poses, Grunfeld's *Misfits*



Misfit (cow), by Thomas Grunfeld (1997)

seem in some odd way quite natural — familiar even to any who have played the childhood game of animal pairs — and yet fantastical. Grunfeld is disappointed that the Saatchi Gallery has chosen to exhibit his creations in glass cases. "Behind glass they seem more harmless, more like curiosities in a natural history museum," he says. He prefers to encourage direct response, although he is arduous — a touch too anxious — to insist that he does not try to shock. "I don't aim for the bizarre," he says. "I even try to avoid it. But art needs one easy entrance, one simple level at which everyone can react."

Once he has grasped attention, his aim is not to pontificate but to let the mind wander at will. "It is the privilege of the artist that he doesn't have to have an opinion," Grunfeld says.

His immediate inspiration is a combination of the folkloric tales of German hunters who tell of antlered rabbits in wooded glades and the classical mythology which invented such creatures as the Minotaur and Sphinx. It is a blend of high and low culture. Beyond that

his concern is only to open up the power of ambiguity. "The Bambi is very cute," he explains, "but it has bat's wings, and suddenly something that seemed sweet evokes disgust. Maybe this will make people think about genetic engineering, about how what might seem beneficial can also be hideous."

Certainly, one cannot help recalling his own country's sinister wartime fascination with genetics. But juxtaposed with such sombre associations is a mad humour: the funny literalness of the sheep dog — a St Bernard grafted to a sheep's head; the pheasant melded with a fox. This humour is subversive. "I call these animals *Misfits* because they don't fit, because they are outsiders," Grunfeld says. "I want people to think beyond the usual."

RACHEL CAMPBELL-JOHNSTON.

Thomas Grunfeld's *Misfits* is part of the Young German Artists 2 exhibition at the Saatchi Gallery, Boundary Road, London NW8 (0171-624 8299) until November 23.

BY PLACING photographic paper on the bed of a fast-flowing river in Devon, Susan Derges continues her investigation into the naturally made natural image. The moon and movements of artist and helpers working in dead of night influences the shade, density and even colour of this most fundamental of artistic procedures. Michael Hue-Williams, 21 Cork Street, London W1 (0171-434 1318) until Nov 22

Clyde Hopkins's paintings have really changed and now embody an air of transience. The colour is bright, light and almost translucent. They look as if torn sections of colour filter paper and patches of regular printed dots have been temporarily tacked in front of the surface. The structure is masterly and yet the balance and touch remain contrary; each painting appears to be the result of much jostling in the arrangement of

AROUND THE GALLERIES

now highly familiar abstract elements. Francis Graham-Dixon Gallery, 17-18 Great Sutton Street, Clerkenwell, London EC1 (0171-250 1962) until Nov 29

YOUTHS with a hint of ghoulish make-up stumble around a hinterland of scrub,

parkland, canal side, derelict and rejuvenated buildings in Sean Doherty's film *No Room in Hell* (*Absent Qualia*). The first half of the film, projected in 3D on to an enormous free-standing screen, is very good indeed as the semi-automaton figures amble aimlessly about in an abstract never-never land of past, present and future. Later, however, the figures shuffle into a building — the gallery itself, in fact — and the fantasy and

strangeness immediately dissolve. Out in the open, the youths carry some symbolic relation to reality and are almost plausible in their total dislocation. Inside the building, however, they cannot help but gain character and end up acting in relation to each other.

Matt's Gallery, 42-44 Copperfield Road, London E3 (0181-983 7711) until Dec 14.

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LAW

● DEADLY DATA 41
● JARGON JUMBLE 41

Lord Irvine's speech to the solicitors' annual conference last month included compelling proposals for necessary reform

In February 1828 Henry Brougham (later Lord Chancellor) made a six-hour speech to the House of Commons on the defects of the English legal system. Fortified by "a half of oranges", he stated that the ambition of a law reformer was to be able to say: that "he found law dear and left it cheap; found it a sealed book, left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor".

The speech made by Lord Irvine of Lairg, the Lord Chancellor, to the solicitors' annual conference in Cardiff last month identified the continuing difficulties of ensuring access to justice, and made compelling proposals for necessary reform. Lord Irvine's plans deserve a more positive response than they have so far



COUNSEL
DAVID
PANNUCK QC

received from the legal profession.

The Lord Chancellor's diagnosis of the defects of the legal system makes uncomfortable but unanswerable reading. Civil justice is currently "too expensive and too exclusive". Because of the expense, and the impossibility of accurately assessing the costs of the total costs of a law suit, litigation is the preserve of the very rich (who can afford it) and the very poor (who are eligible for legal aid).

The harsh facts about legal aid are equally disturbing. The cost has more than doubled in the past six years. It is the fastest-growing area of public expenditure, despite the need for further resources for the relief of poverty, the prevention of disease and the provision of education. In the past four years, there has been a

Why the Lord Chancellor is right

43 per cent increase in the amount per case paid to lawyers, and the number of people helped has declined. In other words, "the taxpayer is paying more for less".

Most of the reforms suggested by the Lord Chancellor deserve the unequivocal support of the legal profession. Lord Irvine is correct to suggest that the legal aid system should involve contracting for services, in both criminal and civil cases. Fixed-price contracts will enable the Government to impose controls on expenditure, and will encourage lawyers to reduce inefficiency.

The Lord Chancellor is right to propose that the state should fund civil litigation only if it has a strong prospect of success, unless there is a compelling

reason (such as the loss of a home) for litigating, or unless there are particular public interest issues involved. As he explained, people litigating at their own expense would be unlikely otherwise to proceed, and there is no good reason why the state should pay for litigation which people would not pursue if they were paying for it.

The Lord Chancellor spoke of a test based on a 75 per cent chance of success. Mathematical precision is not possible in this context. But he is correct that speculative legal aid claims are commonplace, and currently eat up a substantial proportion of the legal aid budget. Conditional fee agreements ("no win, no fee") have been working well in the personal injury field, and so lawyers are to be

allowed to enter into such arrangements in all civil proceedings, except those relating to family law. As the Lord Chancellor pointed out, there are no public policy reasons to prohibit such agreements, which can promote access to justice for people who could not otherwise afford to enforce their legal rights.

Among the other welcome plans are the expansion of the "simple, fast and cheap" small claims procedure so that the limit is raised to £5,000; the development of an advisory Community Legal Service; and the implementation of Lord Woolf's proposals for judicial management of cases, with a fast-track procedure for appropriate cases, to include a fixed-costs regime so parties will know how much they will have to pay if they lose the case.

The Bar Council and the Law Society have directed their fire at the proposal that because of the extension of conditional fee arrangements, most claims for money or for damages should be excluded from legal aid. The Lord Chancellor contends that if lawyers do not think that a case has sufficient merit

to accept it on a conditional fee basis, it is inappropriate for the state to allocate its finite resources.

Careful consideration will need to be given to whether lawyers will accept complex cases on this basis, unless the other side's costs are capped so as to encourage efficiency by its lawyers. Consultation will also need to focus on the practicality of obtaining insurance against costs incurred by the other side if a litigant who has the benefit of a conditional fee arrangement loses the case.

Lord Irvine pointed out in Cardiff, as tactfully as possible, that the legal profession has fallen "lower and lower in public estimation" in recent years. The Bar Council and the Law Society should start to reverse that trend by acknowledging that the Lord Chancellor's analysis of the deficiencies of the legal system is accurate, that radical reform is needed, and that (subject to consultation on the practicalities) the Cardiff proposals deserve the support in principle of all lawyers.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.

Defending the little'uns

Millions of people hold shares or have pensions or savings in institutions which themselves are also shareholders. There are also thousands of companies: some have a small number of shareholders and some have numerous shareholders. What remedies are there for these shareholders when not satisfied with the way in which a company is being run? The Law Commission, the Government's law reform body, has been looking at this question, and last week we published our final report on our first set of proposals for reform of core company law.

The remedies the law at present provides are basically the same for all companies and all shareholders, but it is often shareholders in the smaller companies who most need them. They have more at stake, and so for them we need to combat cost, complexity and delay.

The most commonly used remedy is the statutory remedy for unfair prejudice. This enables the successful claimant to have his or her shares bought out at their full value. The commission found that the type of shareholder who usually brought these proceedings was usually an owner-manager company in which a shareholder-director had been removed from office and could no longer take part in running the company.

Dame Mary Arden on the recommendations of the Law Commission for the smaller shareholder

These proceedings are expensive. In one case the trial alone took 43 days, and the case cost the parties £20,000 when the shares were worth only £24,600. Lord Hoffmann, the law lord, once compared unfair prejudice cases to old-fashioned divorce proceedings in which there was no limit to the amount of detail into which the parties could go.

The whole history of the shareholders' relationship may have to be investigated. This is largely because the court's discretion has to be wide to be sufficiently flexible. However, a more managerial approach by the courts in unfair prejudice cases would help to reduce the proliferation of issues, and this should help to control costs.

The cost to the taxpayer of providing a High Court judge and a court for a day to hear one of these cases is about £2,000. In addition, in some cases, the legal costs of the claimant are borne by the Legal Aid Fund.

So, building on Lord Woolf's report, *Access to Justice*, the commission recommends strong judicial case management; and we are pleased that the Lord Chancellor, Lord Irvine of Lairg, has given his backing to the reform of civil justice. The commission also



Dame Mary Arden

recommends tailoring the remedy to smaller owner-managed companies. We recommend changing the law so that the expulsion of a director in an owner-managed company should lead to a presumption of unfair prejudice and that any buyout should be at full value. This would require an amendment to the Companies Act 1985.

The other principal remedy for shareholders is used when a shareholder wants to enforce a claim that the company is refusing to enforce. This typically includes a claim against the directors. The law here is entrusted with authority, and the commission recommends that it should be modernised with a new rule of procedure

that sets out the law clearly. The commission also proposes a modification in the law to get rid of a restriction that prevents shareholders from bringing these claims if the directors have been negligent but not fraudulent. The shareholder's remedy to enforce his company's claims against directors is the means by which, in the last resort, corporate governance is enforced.

Several jurisdictions have also revised their laws on this topic recently, so the recommended reform would bring English company law in line with modern company law in other leading jurisdictions.

Care is needed to see that actions brought to enforce the company's claims against its own directors are not done so frivolously. The commission recommends that the shareholder get the court's permission for pursuing an action of this sort.

Prevention is often better than cure. The law should encourage shareholders to make arrangements in advance so that if they have a dispute there is an agreed route of dissolving their relationship.

This happens in joint ventures between parties who have been well advised. Nobody can compel shareholders

to take legal advice, but the commission considers that the statutory model articles should give the lead by having an article that would put the parties in a position to devise a simple procedure to meet their principal requirements.

The article would encourage interest in shareholder agreements and promote better commercial practice. The commission's recommendations contain a draft article for inclusion in the statutory model articles.

Where do we go from here? The commission's proposals were widely supported on consultation, and we hope that its modest but important recommendations will be accepted by the Government. With civil justice now well and truly on the move since the Middleton Review, this is the right time for shareholder remedies to be made more effective and efficient.

● The author is chairman of the Law Commission.

● Shareholder Remedies (1997) (Law Com No 246, Cm 3769, HMSO, £18.20).

● Also on the Internet: <http://lcn.net.gov.uk/lawcom/homepage.htm>



The commission wants to help shareholders to bring claims against negligent directors

Can a fruit pie hurt you?

MCDONALD'S had better watch out. The fast food restaurant's name crops up twice in an "assistance" service run by the Association of Personal Injury Lawyers which is designed to help law firms to exchange information about the cases they are handling, but can also serve as an early warning system for potential victims of litigation.

Graham & Rosen, a Hull firm, is acting for a client who "was biting into a mixed fruit pie at a McDonald's restaurant, when hot filling fell onto his arm, burning him".

And Pardoes, a Bridgewater firm, is representing a client allegedly injured when hot tea was "spilt on her foot".

Sharp words
LAWYERS at the Department for Education and Employment seem to have welcomed their boss's insistence that ministerial submissions must take up no more than two sides of A4 paper.

In the *Government Legal Service Journal*, Fred Croft, a DfEE lawyer, writes that David Blunkett, the Secretary of State, "likes work to come to him in typed form, which is then read onto tape".

Mr Croft says the necessity of keeping submissions short

IN THE OUTS

has proved healthy. "Cynics suggested that a two-page submission would be accompanied by lengthy annexes," he adds. "But it has worked... the discipline of compressing thoughts has, I think, led to a welcome sharpening of the arguments."

Altogether: Aaah
OSBORNE CLARKE has decided not to send its clients Christmas cards this year.

All hush for Ms Booth

EIGHTY women from business, banking and industry turned out to hear Cherie Booth, QC, address the inaugural launch of Berwin Leighton's Women in Business Group last week. Ms Booth, who was joined by Jane Oldham, a chambers colleague, spoke on "Breaking Through the Glass Ceiling", a review of the changing role of women in business and the professions. Ms Booth told of the "deadly hush" in her early days at the Bar whenever she entered a robing room, because of the scarcity of women.



Booth: deadly silence

The event was the idea of Joanne Gubbay, a Berwin Leighton litigation specialist, who said the group would provide a forum for women in executive and managerial positions to exchange views and "network". Berwin's 21 women solicitors plan regular meetings and seminars.

system to ensure that the bereaved families of road accident victims are treated more compassionately.

A Victim Support seminar on road deaths held last month heard that drivers involved in accidents that killed someone on the roads can be charged with minor offences and brought before magistrates without any mention of the fact that someone had died, causing great distress for the families of the victims.

The group believes death should always be mentioned in court and that "judges and magistrates should address bereaved families at the end of the case."

An LCD first
A BILL to enable a non-lawyer, for the first time in living memory, to head the Lord Chancellor's Department as Permanent Secretary has been introduced.

The Bill would remove the anachronistic restrictions that disbar anyone who is not a solicitor or barrister of at least ten years standing, or a civil servant with at least five years' experience in the Lord Chancellor's Department.

Hot tip? Ian Burns, now head of policy, even though he would be able to serve only a couple of years: the Bill also says the permanent secretaries must retire at 60, in line with other departments, and cannot stay on at the Lord Chancellor's discretion.

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The salary on offer is attractive and will include a car and expatriate benefits.

For further information on this exciting opportunity, please contact Naveen Tuli who is handling this assignment exclusively.

Gary Slapper on the potentially lethal consequences of acting on false data

Doctored research

Last month Dr John Anderton, a senior consultant physician, and former registrar of the Royal College of Physicians in Edinburgh, was struck off the medical register for conducting a fraudulent drug trial for 15 months. Dr Anderton, who retired after his deception came to light, pleaded guilty to a charge of serious professional misconduct at a hearing of the General Medical Council.

He had forged the signatures of 17 patients who had never been given the drug he was supposed to be testing, invented echocardiographic data for patients, and persuaded an assistant to lie to auditors by saying that she had witnessed patients signing consent forms.

A pharmaceutical company sponsored the research (although Dr Anderton made no personal financial gain), and the case came to light after irregularities were spotted at the company. Medicolegal investigations, which helped to uncover the fraud, has a heavy and increasing caseload. Peter Jay, a specialist investigator with the service, has observed that "fabrication of data in research can allow a bad medication to reach the market, or even prevent a good one from reaching it".

Once false clinical data are published they can be relied upon by practitioners who may then give treatment or perform surgery which, at best, is unnecessary and, at worst, lethal.

False medical research reports also result in the efforts of researchers being misdirected and thus wasted. At present there is almost no legal response to this socially injurious phenomenon. Several alarming cases of dishonest research have recently come to public attention, and today, the editors of nine of Britain's leading medical journals, who have set up a committee to monitor research fraud, are

holding their first public conference in London.

The Committee on Publication Ethics will encourage medical journal editors to report suspect authors. The scale of the problem is unknown but an editorial in *The Lancet* last year stated that "fraud in medical research is pervasive".

Where there is serious suffering caused by someone's misconduct there is usually a crime. Even if the wrong is not a criminal offence it is probably a tort. Though there is public harm caused by deceit-

'He had forged the signatures of 17 patients who had never been given the drug he was testing'

ful research publication, such conduct is in many cases not a crime and, if it is a civil wrong, would be difficult to prove. A patient shown (falsely) as being in a study will have that recorded in his or her medical notes. If that patient was suddenly taken to hospital, a call to his general practice to ascertain what medication was being taken would produce false information and could mean that treatment for the patient's condition was contra-indicated.

Where a doctor's research is sponsored, it is possible that if his "findings" are false, he will have committed a criminal offence of obtaining property by deception under the Theft Act 1968. He might, if he uses the fraudulent publication to "earn remuneration or greater remuneration in an office or employment" also be guilty of the crime of obtaining a pecuniary advantage by deception.

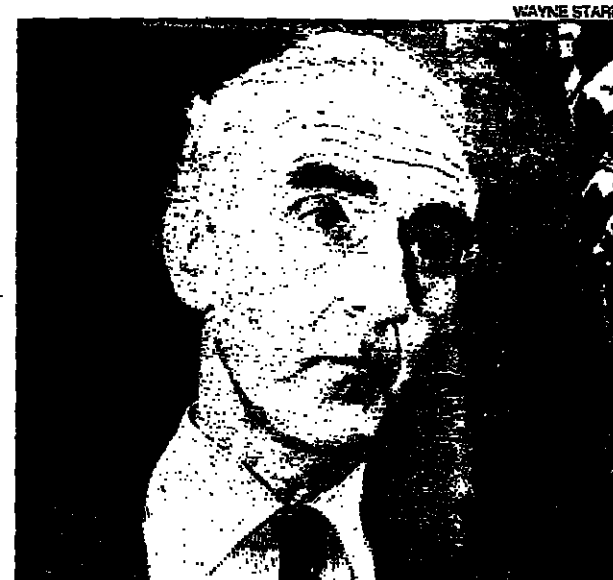
Again, patients given inappropriate medical treatment as a result of false data on their file may have a civil action for damages against the doctor responsible for misleading other medical staff.

But the position is very different in civil and criminal law where a doctor has, without receiving payments, published false data in a reputable medical journal. If another doctor, relying on the bogus report, does harm to a patient, or if another team of researchers wastes time pursuing a false lead, there is no obvious crime or tort.

It is possible to gain damages for personal injury by suing for deceit but it might be difficult for a patient to prove that he relied upon or was "taken in" by the deceit. Tony Weir, a fellow at Trinity College, Cambridge, has said that another option might be an action under a limited case from 1987 where liability may result from "unjustifiably wilful conduct" likely to cause physical harm.

In June 1995 Mr Malcolm Pearce, a consultant obstetrician, was removed from the medical register for research fraud. He had published two papers in *The British Journal of Obstetrics and Gynaecology* reporting pioneering work that he had not carried out. He claimed that a 29-year-old woman had given birth to a healthy girl after he had successfully relocated a five-week-old ectopic pregnancy via the cervix.

In May this year Dr Peter Nixon, a consultant cardiologist from Charing Cross Hospital, London, admitted that scientific papers co-written by him appeared to contain errors. Dr Nixon who previously retired, made his admission in a legal case in which he was the plaintiff, suing Channel 4 for libel. The Medical Defence Union, which had supported him, faced costs of £2 million. Dr Nixon had sued over the programme *Preying on Hope*,



Top, Dr John Anderton. Below, Mr Malcolm Pearce

which had questioned his claims that hyperventilation could cause illnesses including heart attacks, Gulf War syndrome, post-traumatic stress disorder and premenstrual tension. He had also advanced allegedly unproven techniques for diagnosing chronic hyperventilation.

It is not only doctors attached to universities and hospitals who have been implicated in research malpractice. In March last year a GP was struck off for having entered patients for paid drug trials without their consent. Dr Geoffrey Fairhurst, 57, a former government health adviser, had forged consent forms and given drugs to patients.

The Committee on Publication Ethics (Cope) has no legal powers, and its main function will be to advise editors on anonymised cases. Richard Smith, Editor of the *British Medical Journal*, has advocated "effective systems for preventing, detecting, and investigating research misconduct and for imposing punishment". The pressures on researchers to publish are heavy, as university funding being linked to publications.

Physicians already spend too much time in law courts. It is hoped that Cope will be a credible acronym because in law, as in medicine, prevention is better than cure.

Dr Slapper is Director of the Law Programme, The Open University.

A jumble of jargon that may get worse

Charles Blake describes the dangers he sees in the Social Security Bill

Social security law is complex, detailed and a closed book to most practitioners. And the traditional form of the legislation does not assist understanding. The statutes are skeletal, giving little clue to the shape of the detailed provisions.

The need to control public spending means that almost every expansion of entitlement resulting from decisions of the Social Security Commissioners (a second-tier appellate, highly specialised body of lawyers) is met by an amendment to the law. When the law is changed it is not revised to produce a fully revised textual version: such a version exists for internal use in the Department of Social Security (DSS) and is available from the Stationery Office. It is often used by the courts. But the authentic texts consist of a series of separately printed regulations that rapidly become a jumble mass of details.

When, last autumn, the DSS began a consultation exercise on simplifying decision-making and appeals, it ignored the one idea that would revolutionise its work. Administrators now instruct lawyers to draft in legal language (for precision, but resulting in great complexity) and then to convert the result back into ordinary language. Why not legislate in plain English in the first place?

The upshot of the consultation exercise is in the Social Security Bill now before Parliament. Some of it is excellent and cogent, and is needed to crack down on avoidance of National Insurance contributions. But the Bill is lighter than usual on detail. It contains broad regulation-making powers, the policy behind which needs clarification. Where points are clear, they are often objectionable. Decision-making is to be removed from the nationally independent adjudication officer, to the Secretary of State. The same officials as now will decide on entitlement but they

will be seen as functionaries rather than statutorily empowered officers deciding according to law.

Worse, the appeals system is to be shaken up. It does not need to be. In recent years the quality of decision-making at the appellate stage has been improved. Legally qualified chairmen of tribunals and a series of able presidents have ensured the application of

natural justice and the adoption of an inquisitorial role. Indeed, the absence of adversarial procedures in appeals has often been used as a justification for the absence of legal aid for social security appeals, at least until claimants reach the Court of Appeal from the commissioners.

Yet the DSS wants to limit the role of tribunals to the precise content of the appeal. This is indefensible. Its sole purpose seems to be to save money, enabling tribunals to pack in more cases in each session. Do taxpayers (many of them also claimants) want extra hardship, which will cost more to resolve. Would it not be better to allow the tribunals to maintain their wide-ranging brief?

Legally qualified chairmen are to be abandoned in some cases. A new bureaucratic mechanism is to be created to allocate appeals to the "appropriate" appellate body. The simple adage applies: if the appeal system isn't broken — and it isn't — don't fix it.

There is worse, much of it not mentioned in the consultation paper. The DSS has long had a problem with test cases. Because the law is so complicated, its interpretation is often energetically fought to the House of Lords, even to the European Court of Justice. But appeals move slowly. Understandably, the Treasury does not like to pay out in similar cases, only to stop if the DSS succeeds eventually — and the DSS can always change the law in the last resort. In recent years legislation has introduced anti-test-case provisions. Until now, such measures have denied the fruits of victory to others where a review of their position is first necessary under existing law. But, under the Bill, all other claimants who have also appealed and who might expect arrears in consequence of a test case will be denied this right.

Extraordinarily, the Bill says that their cases must be decided as if the successful test case had failed. But is such a provision valid under EU law and the European Convention on Human Rights?

What is needed is a fast-track system for key social security appeals. Sadly, there is no such provision in the Bill or, for that matter, in Lord Woolf's suggested reforms of civil procedure.

The Bill will soon be in committee. Ministers should explain why, having picked up the Tory legacy of an administrative measure intended mainly to save money, they are presenting it as a modernising statute. There is an important role here for lawyers of all political persuasions. The Bill must be examined line by line, and its vagaries challenged.

The author, a solicitor, was formerly in the DSS's legal department, and now works for Glynnis, a London firm.



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Please contact Bryn Bowden, Julia Martin or Melinda Wallman (all qualified lawyers) on 0171 417 1400 or write to them at the London office for more information in complete confidence. Call Evenings/Weekends 0171 642 0180. Confidential Fax 0171 417 1411. Email: brynb@garfieldrobbins.co.uk

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CHAMBERS' DIRECTORY
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INDUSTRY Sonya Rayner, Fiona Boxall, Morwenna Lewis, Aileen Shepherd

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Consumer Goods: Bristol Major ind co requires solicitor 0-2 years' experience. Workload includes handling day to day UK operational matters, intellectual property, employment and litigation.

Publishing: London Independent media co seeks junior lawyer, ideally with relevant experience, to join small team dealing with libel and IT work, non-contentious media, commercial contracts and employment.

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Property/Commercial: Bucks Wide-ranging role for sol with 4 years' experience to handle commercial leases and freehold purchases but also including environmental issues, contracts, acquisitions and tender documentation.

Media: Glasgow Expanding media group seeks additional commercial lawyer. The team looks after legal matters relating to broadcasting, programme-making, publishing and Internet activities. Media experience useful.

Construction Litigation: London West End company seeks sol c. 2.5 yrs' experience. Workload includes construction, engineering and insurance litigation. Part-time arrangement may be considered.

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Commercial Litigation: City Opportunity to be first litigator at "Big Six" accountancy start-up firm. 5-6 year qual sol sought for employment and IP-related lit, ADR, commercial disputes, etc.

Corporate: London Leading firm in its field offers 3-5 year qualified solicitor high profile corporate transactional work for superb remuneration and multi-media clientele. To £60,000.

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IT

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COMPLIANCE

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CRICKET

Malcolm to consider next move

By SIMON WILDE AND RICHARD HOBSON

DEVON MALCOLM, who is considering lucrative offers from several counties, was granted more time to decide his future with Derbyshire at a meeting with Vic Brown, the club's chairman, yesterday. Malcolm has been formally approached by Northamptonshire and Somerset and been offered greatly enhanced terms to remain with Derbyshire.

Brown, who originally asked for a decision by the end of October, will try to persuade Malcolm over the coming days. They see each other regularly and spent last night at a benefit function for the England fast bowler in Rotherham.

"I am more hopeful about Devon staying than I was," Brown said. "As long as I keep talking to him I think we will be all right. We have offered him a three-year contract which will probably make him the best-paid cricketer at Derbyshire and I don't think he is going to rush into anything. I have tried to tell him money is not everything but there is a lot of money being bandied about."

Malcolm has been one of county cricket's most successful bowlers in recent years. He has taken more than 50 first-class wickets for Derbyshire in each of the past four seasons - he took 69 at an average of 21.07 this year - but is 34 and anxious to make the most, financially, of the remainder of his career. Worcestershire may be a fourth party in the bidding.

If Brown persuades Malcolm to stay, Derbyshire will have done well to limit the fall-out of a disastrous summer in which they appeared to be heading for fragmentation. With the exception of Chris Adams, whose departure has looked inevitable for some time, all their other players have signed new contracts, despite what the chairman described as "a few approaches".

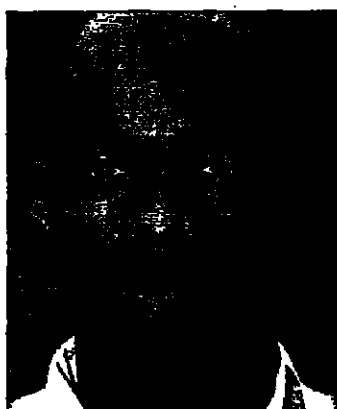
Leicestershire will meet Chris Lewis next week in an attempt to entice the former England all-rounder back to the county where he began his career ten years ago. When Lewis left in 1991 he said that he wished to play for a more fashionable side, but Jack Birkenshaw, the Leicestershire team manager, will try to persuade him that his best chance of reclaiming a Test place lies at Grace Road.

Lewis, 29, has declined to sign a new deal at Surrey after completing a two-year contract and is known to covet a captain's job. While Leicestershire reappointed James Whitaker as captain for 1998

last week, Birkenshaw is prepared to tell Lewis that he will be considered for the post of vice-captain and eventual successor.

Birkenshaw said: "Despite what people think, Chris enjoyed his time here before. He was a bit mixed up at that stage of his career but he is a mature bloke now, he has had a few setbacks and he knows that he has to do the business to get back into the England team. He is the best all-rounder in the country without any question and he will get more opportunities with the bat and ball here than at Surrey."

Lewis was suffering from a long-term hip injury when Nottinghamshire released him on compassionate grounds in 1995. He said that he wanted to move to London to be nearer to his girlfriend and family, and has since helped Surrey to win the Sunday League in



Lewis: Leicestershire target

1996 and the Benson and Hedges Cup last season.

He has played in 32 Test matches and is presently in New Zealand with the Cricket Max team led by Matthew Maynard. Vic Dodds, the Surrey cricket committee chairman, said that no other county has given notice of an approach while Steve Coverdale, the Northamptonshire chief executive, said that they were not interested.

Mark Taylor retained his place as captain as Australia kept faith with the players who won the Ashes when they named their team for the first Test match against New Zealand in Brisbane starting on Friday.

There were no places for Michael Slater or Michael Bevan, who scored centuries for New South Wales as the touring team were beaten by an innings in their last fixture before the Test.

Africans ready to go the distance

David Powell examines a startling change of pace from the new powers of the marathon world

I was bound to happen; now it has. Africa is massing its ranks at the summit of the marathon, marching on the one area of distance-running where Europeans and Mexicans thought they still held the bulk share of land rights.

When John Kagwe and Sammy Korir, both from Kenya, won the marathons of New York City and Amsterdam on Sunday, they underlined a shift in power. Africa, overwhelmingly dominant for years on the track and in cross country, is now taking over the commercial marathon.

Four of the six main big-city marathons this year have been won by Africans, twice as many as the recent average. They include the victory in Chicago of Khalid Khannouchi, from Morocco, in the fastest time of the year, 2hr 07min 10sec. Only the London and Rotterdam marathons have produced non-African winners.

The placings have been mopped up by the Africans like never before, nine this year against a previous highest of seven. There has been an unprecedented rush of fast times, predominantly because of the African influence.

The 1996 rankings show only two athletes inside 2hr 08min 30sec. This year there have been 16. The list last year shows only six athletes within two minutes of the world record of 2hr 06min 50sec. This year there are 21. 14 of them African.

The 1996 figures are typical of every year since the late Eighties, when Belayneh Dinsamo set the present world record. Dinsamo's mark might reach its tenth birthday in April but will not see No 11, according to Jos Hermens, the director of the Rotterdam and Amsterdam marathons and coach to Haile Gebrselassie.

"By spring the world record will be gone," Hermens said. Furthermore, he believes the age of the 2hr 08min is approaching. It will come, he thinks, when the best track runners - Paul Tergat and Gebrselassie, for example - move up in distance. If you look at the African names on the marathon leaderboard, you will not recognise any of them from the track.

Why the change? Hermens, Alan Storey, the London Marathon general manager, and Duncan Gaskell, who represents the Kenyans with Kim McDonald's Teddington agency, are agreed: it is the new approach, collective and disciplined, that the Africans are adopting for the New York Marathon, but did not receive a reply. McDonald, whose track group



Kagwe's victory in New York City confirmed the African assault on the leading commercial marathons

thens their specific targets. "Wherever you go now, there are little enclaves of Africans," Storey said. Most notably the one run by Gabriele Rosa, an Italian doctor, in Kapagat, on the western rim of the Rift Valley. The Rosa athletes, Elijah Lagat and Eric Kimaiyo, finished first and second in Berlin.

Rosa's methods, though, have been questioned. Erythropoietin (EPO) is the substance that repeatedly comes up in conversations about fast marathon times, but Rosa has denied the use of illegal methods. EPO offers benefits similar to blood-doping, stimulating an increase in oxygen-carrying red blood cells. Rosa said he wrote to the International Amateur Athletic Federation, indicating that his athletes would submit to blood-testing at the New York Marathon, but did not receive a reply. McDonald, whose track group

includes Daniel Komen and Moses Kiptumui, prolific world record-breakers, is obtaining results in the marathon through a similar collective approach. Lamack Aguta won in Boston and his fellow Kenyan, Sammy Lelei, ran 2hr 08min 05sec to finish third in Berlin. "For a long time, we did not have such a large number attacking the marathon that it would make any real impact," Gaskell said.

The organisation includes a group training together most of the year in Kenya and another in Boulder, Colorado, under Dieter Hagen, the German coach of Uta Pippig, the most commercially successful woman marathon runner of recent times. "Hagen is inspired by the idea of training somebody to break the world record," Gaskell said.

Marathons in the late Eighties were characterised by the successes of Waldhert, Daanza, Hussein, Dinsamo and Salah, but it is the number of Africans running fast times that is raising eyebrows now. And, while it should not be overlooked that the Olympic champion, Josiah Thugwane, is a South African, the big-city races of the Nineties, with the exception of Boston, have witnessed mainly non-African winners.

In the spring marathons, Boston has traditionally taken the Africans in bulk, with London having preferred a more European line-up, with a sprinkling of Africans. If London, though, is to witness the world record that it has never had in the men's race, the balance may need to be altered with Khannouchi, only 20 seconds outside it on his marathon debut in Chicago, top of the shopping list.

SQUASH

Nicol aims to wear Jansher's crown

FROM COLIN MCCULLAN IN KUALA LUMPUR

THE World Open Championship, already without Jansher Khan, of Pakistan, the title-holder, took another unexpected turn yesterday when Peter Marshall emerged from the qualifying fields to draw Brett Martin, the No 8 seed, in the first round.

Marshall, the former world No 2 from Nottingham, forced into the preliminary rounds after two years out of the game with chronic fatigue syndrome, seems to be in good enough form after a season back on the road to make a serious impact on the tournament. He was the fastest and most efficient of the qualifiers yesterday, beating Simon Frenz, of Germany, 15-11, 15-13, 15-8 in 66 minutes.

Martin, a 33-year-old from Brisbane with a steel wrist and a flamboyant approach, is the very antithesis of Marshall's relaxed, two-fisted straight style. With Jansher avoiding child maintenance problems in Malaysia, the veteran Australian might have hoped for an easier start in the top half of the draw, in which his fellow Queenslander, Rodney Eyles, is the top seed by default.

Eyles, 30, has struggled this season against a number of hungry youngsters and yesterday dropped to No 4 in the world, behind Jansher, Peter Nicol, of Scotland, and Jonathan Power, of Canada.

Nicol is the in-form player. "I would have backed myself to take the title this year, even if Jansher were here," the 24-year-old from Inverurie said yesterday. "I beat him in Egypt in June, and in Kuwait last month. My game is good, and my confidence is high. I will never have a better chance to win the World Open."

Certainly, the early breaks have gone Nicol's way. The draw has put Power, who has beaten Nicol in four out of five meetings in recent times, into the top half of the draw, along with Del Harris, of Colchester, who drew Craig Wapnick, a South African qualifier, in the first round, and the troublesome Anthony Hill, of Australia. Nick Taylor and Tim Garner, of England, also reached the top half by way of qualifying finals yesterday.

The most interesting encounter is between Chris Walker, the out-of-form England captain, and Paul Johnson, one of the pretenders to his team position should results this week lead to an enforced exclusion from the England squad for his defence of the world team title next week.

WORLD CHAMPIONSHIP SEEDINGS: 1, P. Eyles (Aus); 2, P. Nicol (Ger); 3, J. Power (Can); 4, S. Frenz (Ger); 5, A. Marshall (Eng); 6, C. Walker (Eng); 7, D. Harris (Eng); 8, B. Martin (Aus).

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AMERICAN FOOTBALL: SAN FRANCISCO'S DYNAMISM LEAVES DALLAS COWBOYS STRUGGLING TO MAKE THE PLAY-OFFS

Resurgent 49ers run into form

By OLIVER HOULT

IT WAS close and it was controversial, as games between two of the giants of American football almost always are, but the result confirmed that the Dallas Cowboys are in trouble, beginning what threatens to be a gradual decline, while their rivals, the San Francisco 49ers, are in the midst of a stirring renaissance.

The 49ers' 17-10 defeat of the Cowboys at the former Candlestick Park on Sunday night was their eighth successive win of the season and left them tied for the best record in the National Football League (NFL) with the Denver Broncos. The chances of Dallas even reaching the end-of-season play-offs are receding with every game.

Results and tables 46

The Cowboys left the West Coast claiming that they had been robbed of an opportunity to level the match when Rod Woodson, the San Francisco cornerback, appeared to impede Michael Irvin, the Dallas wide receiver, as he prepared to make a catch that would have led to a touchdown. Officials, though, refused to call a pass interference penalty.

"We were tested," Steve Mariucci, the San Francisco coach, said. "It was a tremendous game, a game that could have gone either way. Two very capable teams slugging it out and playing as hard as they can. It was a play-off type atmosphere. We are still trying to improve throughout the season and peak at the end."

The 49ers' victory, though, reflected the optimism that has filtered into the team since Mariucci, who had never coached in the NFL, took over at the start of the season. With Jerry Rice, their wide receiver, out since the opening day, San Francisco have developed a running game and it was Garrison Hearst, their running back, who led them on Sunday with a touchdown and 104 rushing yards.

Dallas appear to be stagnating, their celebrated players, such as Troy Aikman, shorn of confidence and some of the skills of their youth. If November is the traditional month for English football managers to get the sack, Barry Switzer, the beleaguered Dallas coach, must be starting to look over his shoulder, too.

An even starker example of the ebb and flow of NFL fortunes — a happier one, this time — occurred at Meadowlands, in New Jersey, where the New York Jets beat the Baltimore Ravens 19-16 in overtime and moved into first place in the American Football Conference (AFC) eastern division for the first time in 11 years.

Last season, the Jets were a laughing stock, winning only one of their 16 regular season games. This year, they have already won six, losing just three, and they stand above the more highly-rated New England Patriots and the Miami Dolphins. Suddenly, with Bill Parcells in charge, it seems they have a real chance of making the play-offs.



JJ Stokes, of the San Francisco 49ers, eludes Kevin Smith for the winning touchdown against the Dallas Cowboys. Photograph: Clay McLachlan

The game was won with a 37-yard field goal from John Hall, a rookie, who had missed the easiest of kicks in similar circumstances against the Patriots earlier in the season. "I just tried to keep my head down and follow through," Hall said. "It's fortunate that I got another chance after I messed up my opportunity in New England."

Denver continued their fine form when they squeezed their way to a 30-27 win against the Seattle Seahawks. John Elway, their quarterback, threw for 238 yards and two touchdowns to move into second place on the all-time passing yardage list, behind Dan Marino of the Miami Dolphins. This year, perhaps, he may add a Super Bowl ring to his

impressive statistics at last. If that is to happen, though, it is likely the Broncos will have to force themselves past either the 49ers or the Green Bay Packers in the Super Bowl. With Dallas on the slide, it seems increasingly as if the Packers and the 49ers will be vying for the National Football Conference berth in the season finale.

The Packers are gradually recovering from a surprisingly shaky start to their season and on Sunday, inspired by Brett Favre, their quarterback, who threw for 181 yards and a touchdown, they defeated the Detroit Lions 20-10 to climb above the Minnesota Vikings in the NFC Central Division. It was the Packers' twentieth consecutive victory at their

forbidding home, Lambeau Field, and equalled the record for the second-longest undefeated run.

The Packers of the early Thirties lasted a score of games unbeaten in northern Wisconsin, too, and now only the Miami Dolphins' mark of 27 games unbeaten, set between 1971 and 1974, stands ahead of Favre and his side.

SPORT IN BRIEF

Cronje at top of his form

CRICKET: Hansie Cronje led from the front with 94 as South Africa surged to a five-wicket win over West Indies in the Golden Jubilee tournament in Lahore, Pakistan, yesterday.

Cronje's captain's innings, supported by 64 from Gary Kirsten and a fluent, unbeaten 53 by Jonty Rhodes, took South Africa past the West Indies' 293 for eight with 11 balls to spare. Carl Hooper made 105 for the West Indies.

Tiger stalking

BASKETBALL: The Leopards, who began their defence of the National Cup with a nine-point win over Derby Storm on Sunday, face a tough quarter-final visit to Thames Valley Tigers.

QUARTER-FINAL DRAW: Leicester Tigers v Derby Storm; Bath v Worcester; Exeter v Gloucester; London v Saracens. The last four games begin on Nov 17.

Pinches hurts

SNOOKER: Barry Pinches, of Norwich, equalled the second highest break in the Benson and Hedges Championship in Malvern yesterday but his 143 total clearance in the fifth frame was not enough to prevent a 5-2 defeat in the sixth round by Craig Koper.

Wheels oiled

CYCLING: The English Sports Council yesterday agreed to an extra funding of £100,000 over the next 12 months to the British Cycling Federation for the National Cycling Centre in Manchester.

TENNIS

Rusedski set for Hanover

GREG RUSEDISKI, the Great Britain No 1, confirmed his place in the ATP Championship in Hanover next week when he defeated Nicklas Kulti, of Sweden, 7-6, 6-4 in the first round of the Stockholm Open last night.

Rusedski will be the first Briton to compete in the Hanover tournament, which features the eight leading players in the world. He joins Pete Sampras, winner of the Paris Open last week, Michael Chang, the world No 2, Patrick Rafter, the US Open champion, and Jonas Bjorkman, the losing finalist in Paris.

Against Kulti, Rusedski needed treatment on court for a headache after taking a 5-4 lead in the first set. Four games earlier, the world No 5 had recovered from two double faults by sending down three aces.

Tim Henman, the Great Britain No 2, lost his way, but recovered his focus in time to salvage a victory over David Wheaton, a qualifier. The world No 17 from Oxford, who lost his chance to qualify for the ATP Championship last

week, eventually triumphed 1-6, 6-1, 7-6.

Henman steered himself after dropping the first set against Wheaton, an off-injured American now ranked 150th in the world. "I felt like I was just going through the motions in the first set," Henman, who was playing Wheaton for the first time, said.

"He played well in the first set, but I suddenly felt that I wanted to salvage something from this match. I was disappointed last week in Paris. It was pride of performance for me here."

Henman fought back for two breaks of Wheaton's service in the second set. The final set went to a tie-break after four breaks of serve in the first six games. Henman had three match-points, but Wheaton saved them all with winners, before claiming victory with a drop volley that Wheaton could only lob long.

Henman joined Cedric Pioline, of France, and Thomas Muster, of Austria, as winners on the first day at the Kungliga Tennishallen.

Caroline Vis, of Holland, who was disqualified from the Kremlin Cup women's doubles final on Sunday, for insulting the umpire, will also be fined, a spokeswoman for the organisers said yesterday.

Vis and her partner, Yuyuk Basuki, the No 2 seeds, were trailing 5-3 in the first set to top seeds Arantxa Sanchez-Vicario and Natasha Zvereva, when Vis argued with the umpire over a line call and was ordered to leave the court.

First, Giles assumed his normal role. He struck the first short corner in the seventh minute, hitting a post before Woods won a tussle to give England the lead. He struck at another short corner in the 23rd minute, switching the ball for Garcia to score. Six minutes later, Garcia created the chance for Giles to claim the third.

Almost on half-time, Egypt retaliated with a goal by Mohamed Scid. England played 20 minutes of the second half against ten men, one of the Egyptians having been suspended, but failed to build on their advantage.

EGYPT: Gamal Hater, Hassan Hossain, Abdoulaye Arna, Said Musa, Ebrahim Baki, Amr Elred, Abdel Khalek, Mohamed Youssef, Samir Mohamed, Mohamed Scid, Said Ahmed. Substitutes used: Mohamed Samir, Mohamed Elmaghrabi, Hossain Ahmed.

ENGLAND: S. Mason: A. Humphrey, J. Hall, J. Wray, W. Wagh, D. Woods, J. Pockock, A. Serron, C. Maye, R. Garcia, R. Crutcher. Substitutes used: B. Sharpe, M. Roberts, K. Barnes, C. Giles. Umpires: Eschwege Hussein (Egypt) and A. Hayes (England).

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HOCKEY

Giles takes new role for England

Egypt 1
England 3

FROM SYDNEY FRISKIN IN CAIRO

CALUM GILES was purely a specialist. In an international career spanning more than two years, he had been confined to the bench, springing into action only to strike from corners before returning to captivity on the sidelines.

Not any more, however. Giles scored his first goal for England from open play yesterday and played a prominent part in a victory over Egypt in the first of five international matches here. It was a personal victory for him and for Barry Dancer, the new England coach from Australia. He gave Giles his freedom, sending him out to replace Crutchley in the twentieth minute of the first half and leaving him on the pitch until seven minutes before the end.

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Results, page 46

beaten 4-2 by Basingstoke Bison. The Bison, led 2-0 at the end of the second period, but the Devils drew level ten minutes from the end, only to see Kevin Conway and Joe Stefan restore Basingstoke's two-goal margin during the final six minutes.

Sheffield Steelers' 3-2 defeat by Bracknell Bees was their fifth in six matches.

SHEEHAN on BRIDGE

BY ROBERT SHEEHAN, BRIDGE CORRESPONDENT

In No-Trumps, when you lead a suit in which your right-hand opponent is marked with length, it is usually correct to lead the lowest card from quite strong combinations. Leading an honour, or even fourth-best, often spoils the defence's combined holding. Ronnie Rubin, the ex-world champion, gives this example:

Dealer East	North-South game	Rubber bridge
<p>AK32 72 AQ94 K103</p> <p>97 AKQ83 865 982</p>	<p>AK32 72 AQ94 K103</p> <p>W N E S</p> <p>QJ4 10984 K72 A97</p>	<p>10885 J5 J103 QJ54</p>
<p>S W N E</p> <p>Pass 1 NT 3 NT</p>	<p>Double 2 NT</p> <p>Pass Pass Pass</p>	<p>Pass Pass Pass</p>

Contract: Three No-Trumps by South. Lead: three of hearts

Rubin, sitting West, led the three of hearts, and so the defence were able to take the first five tricks. A high heart would have blocked the suit. But that wasn't why he led low; it was in case declarer had J10xx, quite a likely holding as the bidding went. In that case a low heart maintains communication if East has a small doubleton and a side entry.

But the most dramatic case where the low heart gains is when the suit is distributed like this:

W 2	N 95
AKQ83	J10764

WORD-WATCHING

By Philip Howard

ABA
a. An alphabet
b. A grandfather
c. A smock

ELAPHURE
a. Ivory dye
b. A deer
c. A Greek oilpot

EPICOR
a. A successor
b. A dwarf
c. The Greek E

GRIMTHORPE
a. To overdecorate
b. A scrap-book
c. To boycott

Answers on page 50

KEENE on CHESS

BY RAYMOND KEENE, CHESS CORRESPONDENT

Russia wins

With an extraordinary last-round spurt, crushing the team from Georgia 4-0, Russia, even without the services of Kasparov, Karpov and Kramnik, won the gold medals in the world team championship at Lucerne in Switzerland. The team from the United States, having led throughout, must have been bitterly disappointed to be relegated to the silver medal in spite of beating Kazakhstan 3-1 in their last-round match.

The British Chess Federation team capped a somewhat muted overall performance by losing in the final round to Armenia, and thus forfeiting any chance of a medal. Scores were as follows: Russia 23½, US 23, Armenia 21, England 20½. The individual British Chess Federation team scores were as follows: Short 4½, Adams 5½, Sadler 6½, Speelman 4½, Hodgson 1½, Nunn 1½.

Here is a game from Russia's last-round slaughter of Georgia.

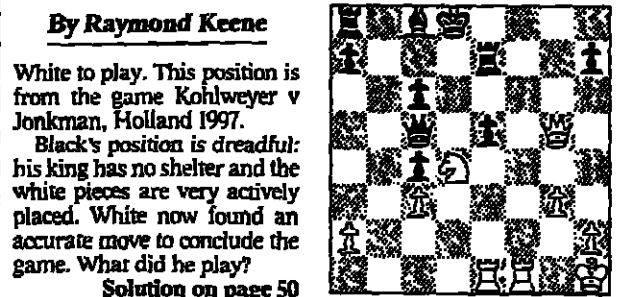
White: Nana Ioseliani
Black: Peter Svidler
World team championship, Lucerne, October 1997

Modern Defence	White to move
1 e4	g7
2 d4	g6
3 Nc3	g6
4 Bg3	g6
5 Oe2	Nd7

White to play. This position is from the game Kohlweyer v Jonkman, Holland 1997.

Black's position is dreadful: his king has no shelter and the white pieces are very actively placed. White now found an accurate move to conclude the game. What did he play?

Solution on page 50



Hong Kong ditch Scotland

FROM DAVID RHYS JONES IN HONG KONG

BOWLS officials in Hong Kong profess that they created the Marubli International Classic at Kowloon to give their local players, who play in a limited circuit of league games, a taste of international competition.

Yesterday, however, the students became the masters, as Tony Tong and Jacky Wong handed out a lesson to two of the world's leading bowlers, David Gourlay, and Graham Robertson, of Scotland.

Tong and Wong had challenged the Scottish pair to a "friendly" match on Sunday evening, and had beaten them by a single shot, boosting their confidence for the round-robin tussle.

Four successive trebles gave Hong Kong a 12-5 lead, but Scotland fought back bravely to level the scores at 19-19 by the time the last end started. With the jack in the ditch, Wong found a way of knocking the shot bowl off the green to claim two shots for a 21-19 win.

The official Hong Kong pair went on to defeat Malaysia while Scotland escaped what seemed to be almost certain

BOWLS

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ICE HOCKEY

Cobras show lack of venom

THESE are difficult times for Newcastle Cobras (Norman de Mesquita writes). They take a four-goal deficit into the second leg of their Benson and Hedges Cup semi-final against Cardiff Devils on Thursday and they are still looking for their first league win of the season.

On Sunday, Mikael Wiklander gave Manchester Storm

the lead in the twelfth minute and goals by Stephen Cooper and Mike Morin made it 3-0 early in the second. Jonathan Weaver scored for Cobras but they could not get any closer and Storm won 6-3. That took them two points clear of Ayr Scottish Eagles at the top of the Superleague.

Cardiff Devils slipped to their first league defeat when

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LIVE U.F.A. CUP FOOTBALL

11/10 ASTON VILLA 12/5 DRAW ATH. BILBAO 15/8

Villa Park, Kick-off 7.30pm. Live on Channel 4.

CORRECT SCORE	DOUBLE RESULT	FIRST GOALSCORER
A. VILLA 1-0 6/1	A. VILLA 12/5	5/1 - YORKE (V)
A. VILLA 2-0 11/1	A. VILLA 14/1	7/1 - ZIGANDA (B)
A. VILLA 3-0 10/1	A. VILLA 28/1	8/1 - GONZALES (B)
A. VILLA 4-0 33/1	A. VILLA 9/2	12/1 - TAYLOR (V)
A. VILLA 5-0 28/1	A. VILLA 9/2	14/1 - DRAPER (V)
A. VILLA 6-0 6/1	A. VILLA 25/1	25/1 - ENOCH (V)
A. VILLA 7-0 5/1	A. VILLA 14/1	25/1 - GARCIA (B)
A. VILLA 8-0 5/1	A. VILLA 4/1	33/1 - WRIGHT (V)
A. VILLA 9-0 20/1	A. VILLA 4/1	6/1 - NO GOALSCORER

Other scores on request. Best odds if both half not started. All above bets, extra time does not count.

LATEST ODDS ON WILLIAM HILL TV TEXT • Teletext on CH4 P011/602/603

M 88.0-80.2, RADIO 3, FM 90.2-82.4, RADIO 4, FM 82.4-
WORLD SERVICE, MW 648; LW 196 (12.45-5.55am).
V 1197, 1215, TALK RADIO, MW 1063, 1089.
Ian Hughes, Rosemary Smith, Susan Thomson, Jane

⑤

1 Rxe5! and Black falls apart as if 1 - Qxe5 2 Nxb5

M 88.0-90.2, RADIO 3, FM 90.2-92.4, RADIO 4, FM 92.4-
WORLD SERVICE, MW 648; LW 196 (12:45-5:55am),
V 1197, 1215, TALK RADIO, MW 1063, 1089,
Hughes, Rosemary Smith, Susan Thomson, Jane

Another day, another fly on another wall

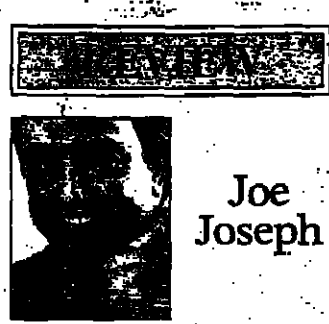
Watch out, here comes another one. Last night BBC1 brought us *Hotel*, the first of eight programmes looking behind the scenes at Liverpool's Adelphi Hotel. So no end in sight, then, to television's love affair with the "docu-soap". Especially now that crews have perfected that fly-on-the-wall technique in which the camera intrudes but tries not to interfere — like the too-early party guest who shuffles from sofa to sofa as his hosts straighten the rugs and park bowls of peanuts around the room.

Film-makers and already pointed cameras at an Australian family, an airport, an opera house, a driving school and Bath rugby club before checking into the Adelphi: when they pour a new drink in television, nobody knows when to say "stop". That's why we will shortly be peering behind the tight smiles of holiday reps as a crew follows their season. Oh yes,

and a series about the port of Dover.

It's the Marcel Duchamp school of film-making — the "objects trouvés" of television being docu-soaps. Duchamp got it into his head 80 years ago that it was no longer valid to make an artistic equivalent of an object — by, for example, painting a bowl of fruit — and that any everyday object (a urinal, a spade) could be seen as a work of art if you plucked it from its normal context and bestowed artistic authority by giving it an ironical title and a signature.

Television has caught on so, instead of hunting for scriptwriters talented enough to draft a plot, and for convincing dialogue — a hunt that proved fruitless but nevertheless entertaining in the case of, say, *Crossroads* — you now save yourself grief by simply finding a Midlands motel willing to let you film the daily drama of real motel life. With luck you end up with



Joe Joseph

something more surreal than even Meg Richardson, Sandy and Benny could deliver.

What next? Just as Duchamp went on to influence the Dada movement, television's naturalistic progression from this point will be to move into, say, a Tristan Tzara phase. Tzara argued that the art of poetry should be reduced to cutting out words from newspapers, jumbling them up, and reading out the result. Similarly, instead of ignoring those bits of film left on the cutting-room floor, television's next generation of docu-soaps will randomly assemble those snippets into six half-hour episodes that can be broadcast during prime time. Can't wait. Can you?

Fortunately for film-makers, the curse of *Hotel* has transmuted into the curse of the docu-soap. Couples who trill about their compatibility in *Hotel*

aftermath of the IRA's bomb hoax at this year's Grand National. And how did they cope? That depends on whether you were behind the reception desk, gleefully announcing the last remaining single bedroom for more than twice the official rate of £95, or one of the stranded punters balking at being asked for £45 to sleep on a mattress tossed on the floor.

The programme-makers have been lucky enough to find a "character" in Eileen Downey, the Adelphi's five-foot-high, no-nonsense general manager. She is more up to Mick Jagger and apparently believes she is performing a sort of stand-up routine for the cameras. But the editing is out of her hands. So while Eileen seems to regard her £45 mattress offer as a generous, Blitz-spirit, we're all in this together, gesture, it comes across as merely grubby.

It didn't help that we had just overheard one of her sidekicks watching the scene at Aintree on television as the race was being cancelled, saying: "Maybe they'll run tomorrow. We'll get an extra night out of them." You assume it must have been a black joke, but after editing it didn't sound like one. Come to think of it, it stuck out like a urinal in an art gallery.

Alan Partridge is another character-lippy enough to support a series. He was created to satirise the television chat-show format. But I'm Alan Partridge (BBC2) brings him back for a series in which he is no longer a chat-show host — at least not a gainfully employed one: maybe that joke had run its course. So we are now invited to laugh at the fault-lines in Partridge's character for their own sake, as we did at Basil Fawlty's. Partridge, who sizzled when he made his debut on radio, then managed to translate most of the joke to television in

Knowing Me, Knowing You, is now batting on a trickier wicket. The Norwich-based "celebrity" may not be as rounded a comic creation as Fawlty (well, he is), but he is still a magnetic enough combination of justifiable insecurity and preposterous front, especially when harnessed to Steve Coogan's comic timing, and a script that conveys its deadpan lines without resorting to the sledgehammer used by many sitcoms. Work has been scarce since Partridge accidentally killed someone on his chat show and, later, hit his BBC boss in the face with a dead fowl. He now has a daily show on Radio Norwich: he pines for more but knows, deep down, that he probably deserves even less. We see him in the studio as he is reminding his listeners that it's 4.35am and you're listening to *Up to the Mountains and Beyond*. This elegant line of shorthand tells you all you need to know about how low he has fallen.

- BBC1**
- 6.00am Business Breakfast (33891)
7.00 BBC Breakfast News (1) (45549)
9.00am Can't Cook, Won't Cook (1) (5842878)
9.25 Style Challenge (595013)
9.50 Kilroy (1) (1292055)
10.30am Change That in Sheffield (591597)
10.55 The Really Useful Show Consumer Issues (1) (7245817)
11.35 Real Rooms A tiny London kitchen (593533)
12.00 News (1) and weather (583548)
12.05pm Call My Bluff (511407)
12.35 Going for a Song (2654346)
1.00 News (1) and weather (48836)
1.30 Regional News (1) (8484758)
1.40 The Weather Show (5922723)
1.45 Neighbours (1) (1) (9718898)
2.10 Quincey (1) (233017)
3.00 World on a Plate Loyd Grossman traces the history of chocolate and sugar back to their origins in the plantations of the Caribbean and Ghana (1) (3433)
3.30 Playdays (1) (595181) 3.50 Arthur (592257) 4.15 Fudge (1) (239581)
4.35 The Queen's Nose (1) (115151)
5.00 News (1) and weather (586704) 5.10 Byker Grove (1) (9707704)
5.35 Neighbours (1) (1) (221365)
6.00 News (1) and weather (471)
6.30 Regional News (1) (723)
7.00 Holiday Jail Dando explores the Greek island of Cephalonia. Neil Morrissey is in Costa Rica. Chris Chole takes a short luxury cruise aboard the liner Oriens. Monty Don is in Lyme Regis (1) (8742)
7.30 EastEnders George makes Roy a tempting offer (1) (907)
8.00 Match of the Day — Live: Liverpool v Strasbourg (Kick-off 8.05pm). Desmond Lynch introduces tonight's UEFA Cup second-round, second-leg tie at Anfield, where Liverpool have to recover from the three-goal deficit they suffered in France (59341029)
NB: Subsequent programmes may run late
9.55 News (1) and weather (508297)
10.30am The Inside Story of the BBC Documentary chronicling the rise of BBC TV in the early 1950s (1) (78100) WALES: Week In, Week Out (58588) 11.00am The Inside Story of the BBC (58013) 12.00 FILM: Delancey of the Realm (48940) 1.30am News and weather (5731634)
11.30am Delancey of the Realm (1985) Political thriller by Gabriel Byrne as an obsessive journalist whose investigations cause a high-ranking British MP to resign. When the disgraced politician dies in suspicious circumstances, the hack begins to suspect there may be more to the matter than meets the eye. Also starring: Greta Scacchi, Bill Paterson, Denholm Elliott and Ian Bannen. Directed by David Yates (58029)
1.00am Tracks (1976) with Dennis Hopper, Dean Stockwell and Michael Enn. A Vietnam veteran explores a dead comrade across country by train, a journey which has a strange effect on those involved. Directed by Henry Jaglom (1) (82222)
2.35 Weather (5817124)
- BBC2**
- 6.00am Arctic: Victorian Dissenting Chapels (57100) 6.30 Scenes from Dr Faustus by Christopher Marlowe (19549)
7.00am News (1) (5957605)
7.15 Teletubbies (1) (59588) 7.40 Smurfs: Adventures (1) (2769229) 8.05 Blue Peter (1) (2273925) 8.30 Oakie Doke (1) (495181) 8.40 Rupert (1) (908182) 8.45 The Record (595907) 9.10 Practising Ballet (593505) 9.25 See You, See Me (525672) 9.45 Numberline (485638) 10.00 Teletubbies (1) (59159) 10.30 Watch (436704) 10.45 Science Show (2768704) 11.05 Space Ark (586526) 11.15 Megamaths (1980838) 11.35 History File (198920) 12.00 See Hear (1) (79433)
12.30pm Working Lunch (52425)
1.00 Fiddley Foodie Bird (4896188)
1.10 The Art and Antiques Hour (5795220) 2.10 Going, Going, Gone (5815497) 2.35 Really Useful Show (571907) 2.40 News (3701520) 2.45 Westminster (1) (7475549) 3.25 News (331926) 3.30 The Village (1) (572655) 3.55 Really Useful Show (582601) 4.00 Ready, Steady, Cook (593) 4.30 Through the Keyhole (1) (111442) 4.55 Esther: Autumn (5951907) 5.30 Today's the Day (100)
6.00 The Fresh Prince of Bel-Air (1) (1) (451452)
6.25 Heartbreak High Last in series (1) (241926)
7.10 The O Zone Salt 'n' Peas, Fabi and LeAnn Rimes (473094)
7.30 From the Edge A Spanish business run by blind people (1) (549)
8.00 University Challenge: Magdalene College, Cambridge v St Catherine's College, Oxford (1) (2704)

- BBC2**
- 8.30 The Cook Report The first in a new seven-part series of the investigative programme (1) (8365)
9.00 Soldier, Soldier Julie has a surprise for Rossi (1) (4891)
10.00 News at Ten (1) and weather (74988)
10.30 Regional News and weather (578013)
10.40 Mad Max II (1981) Adventure set in the aftermath of Third World War when petrol has become the world's most precious commodity. Max agrees to help an oil-producing community that is under attack from a band of violent bikers. Directed by George Miller (5193520)
12.25am Planet Mirth (1480143)
12.55 Late and Loud (581853)
1.55 The Chart Show (1) (8025058)
2.50 Football Extra (1) (251038)
3.50 World of Sailing (1) (5607034)
4.00 Jones and Jerry (1) (4090940)
4.35 The Time, the Place (1) (93044308)
5.00 Hello! (1) (21495)
5.30 News (20330)
- HTV**
- 6.00am GMTV (4410588)
9.25 Supermarket Sweep (1) (5954330)
9.55 Regional News and weather (5463162)
10.00 The Time, the Place (2765)
10.30 This Morning (1) (4875838)
12.20pm News (1) and weather (583548)
12.30 News (1) and weather (583548)
12.55 Shortland Street (258154) 1.00 News and Weather (1) (5957605) 1.10 News (1) (5957605) 1.20 News (1) (5957605) 1.30 News (1) (5957605) 1.40 News (1) (5957605) 1.50 News (1) (5957605) 2.00 News (1) (5957605) 2.10 News (1) (5957605) 2.20 News (1) (5957605) 2.30 News (1) (5957605) 2.40 News (1) (5957605) 2.50 News (1) (5957605) 3.00 News (1) (5957605) 3.10 News (1) (5957605) 3.20 News (1) (5957605) 3.30 News (1) (5957605) 3.40 News (1) (5957605) 3.50 News (1) (5957605) 4.00 News (1) (5957605) 4.10 News (1) (5957605) 4.20 News (1) (5957605) 4.30 News (1) (5957605) 4.40 News (1) (5957605) 4.50 News (1) (5957605) 5.00 News (1) (5957605) 5.10 News (1) (5957605) 5.20 News (1) (5957605) 5.30 News (1) (5957605) 5.40 News (1) (5957605) 5.50 News (1) (5957605) 6.00 News (1) (5957605) 6.10 News (1) (5957605) 6.20 News (1) (5957605) 6.30 News (1) (5957605) 6.40 News (1) (5957605) 6.50 News (1) (5957605) 7.00 News (1) (5957605) 7.10 News (1) (5957605) 7.20 News (1) (5957605) 7.30 News (1) 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CRICKET 46

Malcolm weighs up the best career move

SPORT

AMERICAN FOOTBALL 49

San Francisco cling to victory in battle of the giants

TUESDAY NOVEMBER 4 1997

Replacement sought for Pleat

Robson leaves Wednesday on the lookout

By Matt Dickinson

BOBBY ROBSON last night ruled himself out of the running to succeed David Pleat at Sheffield Wednesday, leaving supporters to consider a roll call of the usual, less glamorous, names to fill the post.

Ray Harford, Dave Bassett and Joe Royle appeared to be the leading contenders to take over from Pleat, sacked on Sunday with Wednesday bottom of the FA Carling Premiership with nine points from 13 games.

Robson's claim, made at the weekend, that he wants one more job as a front line manager inevitably saw him closely linked yesterday with the Hillsborough post. His mobile phone was just as busy answering calls from Portu-

gal, where Sporting Lisbon's coach has departed, but neither job will tempt Robson from Barcelona where he is well paid and far from unhappy — if a little frustrated — in his role as director of football.

"Although I have said I would like to come back into coaching, I have not been approached and this would not be the right timing for me," he said last night. Robson's unwavering rejection turned attention back to British shores where there are few outstanding candidates, at least not readily available.

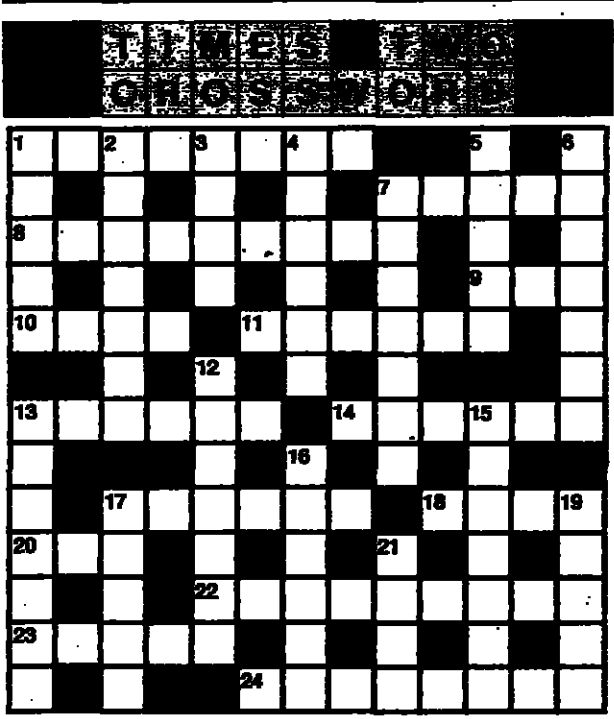
David Richards, the club chairman, complicated matters further by claiming that while Peter Shreeves, Pleat's assistant, would be in charge

of the team for Saturday's match at home to Bolton Wanderers, he expects to name the new man in the next few days.

Just about all the names bandied around yesterday had at least one significant drawback, leaving Danny Wilson as perhaps the most appealing candidate. By guiding Barnsley into the Premiership last season, he confirmed that he is one of the brightest young managerial talents in the country and his insistence on creative football has won many friends, if few points this season.

He was popular at Hillsborough as a player, but chairman recently agreed to tighten up the rules regarding poaching of managers and Barnsley will fight hard to keep him.

Bassett, of Nottingham Forest, was on the shortlist of candidates when Pleat was given the job and has a good record of saving teams from relegation. Forest acted swiftly yesterday to rule their man out of the running. One candidate who would be instantly available is Joe Royle, highly successful in his long period in charge of Oldham Athletic, but ultimately a disappointment at Everton after winning the FA Cup in his first season.



No 1242

- ACROSS**
- Confirm by ticking list (5,3)
 - Catlike belittling (5)
 - Manage in unexplained way (9)
 - Record; block of wood (3)
 - Ship's base structure (4)
 - Fruit — ripe (Herrick) (6)
 - Nurse; nun (6)
 - Parchment curled up (6)
 - A 4; sounds like gazes (6)
 - (Clouds) move swiftly (4)
 - Vehicle; the front (3)
 - Hearten (9)
 - Coast; wear down (5)
 - Inner and Outer Sc. islands (8)
- DOWN**
- Fissure; weakness, in armour (5)
 - Put into words (7)
 - Round handle (4)
 - Air journey (6)
 - Ox kettle; may be Silly, Puffing (5)
 - Shore bird (7)
 - Stealth, concealment (7)
 - Held up (7)
 - Rescue from shipwreck (7)
 - Field of fruit (7)
 - Obscure prophecy (6)
 - Prov. slow creature (5)
 - Clothing; align (5)
 - German industry area, river (4)

SOLUTION TO NO 1241

ACROSS: 1 Bagatelle 6 Rag 8 Aridity 9 Childe
10 Doge 11 Affronts 13 Return 14 Corlew 17 Chainsaw
18 News 20 Might 21 Prairie 22 Cat 23 Casamanzan

DOWN: 1 Boarder 2 Going straight 3 Tail 4 Lay off
5 Excusess 6 Reign of terror 7 Gooses 12 Frenetic
15 Western 16 Carpet 17 Comic 19 Farns

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Getting in the picture: Zinzan Brooke puts Jonah Lomu into focus with his video camera after the New Zealanders arrive in London yesterday

Italy jump the championship gun

By David Hands

ITALIAN officials reacted with delight yesterday to reports that they will form part of an extended five nations' championship in 2000, but their joy is premature. No formal invitation has yet been made and Vernon Pugh, chairman of the International Rugby Football Board (IRFB), still requires satisfactory answers to a list of criteria he will take to Bologna this weekend.

What the five nations' committee has agreed, in principle, is that they should not operate a closed-door policy and that the country with the best credentials for joining an extended championship is Italy. They have made a formal application to join the five nations and have been promised an answer after the four home unions and France meet in mid-January next year.

However, reports over the weekend suggested that Italy's place in the new millennium was assured: "This is of

great importance for Italian rugby, not only from a sports but also from an economic perspective," Pier-Luigi Gatti, the secretary of the Italian federation, said. "The economic advantages would be a larger budget to develop club rugby."

Similarly Giancarlo Dondi, president of the federation, reacted joyfully to the reports: "It's confirmation, and recognition, of the hard work we have put into reaching the right standard," Dondi said. "I'm not saying today we can compete with the great nations but, after the first five [the three southern hemisphere powers, England and France] I think we are on a par with the others."

"We've had the courage to go on tour with a second team [to southern Africa this summer] and we've won a World Cup qualifier with that team. It's a movement which is growing rapidly. Today we have 35,000 registered players and we're making a great effort in schools."

Therefore, when Pugh and Alan Hosié, chairman of the five nations' committee, meet Italian representatives in Bologna on Saturday, before Italy's international with South Africa, they may have to dampen some euphoria. Pugh's priority is to discuss Italy's playing strengths and the country's commercial and development prospects, though, if those criteria are met and Italy is accepted, this could be only the first step in a radical revision of international rugby in Europe.

Cliff Brittle, the chairman of the Rugby Football Union's management board, is known to favour a two-tier competition, with promotion and relegation, as being the most effective way to encourage the growth of the game in the northern hemisphere. The contention is that an extended competition, perhaps over the next ten to 15 years, would embrace Canada and the United States, as well as so well-established a country as Romania. Spain and Portugal are possible contenders,

though their first taste of regular competition among the traditional nations is likely to come at the lower level of the European Conference.

The second tier of European club competition is seen as the right vehicle for the encouragement of the lesser lights of the old Federation Internationale de Rugby Amateur (FIRA). Romania have been represented this season by Farul Constanta but Pugh said last night that the national teams of Spain and Germany have accepted invitations and that replies were awaited from, among others, Holland, Poland and Portugal.

New Zealand arrived in London yesterday to conclude their season with a nine-match tour, including internationals against England (twice), Ireland and Wales. They are looking at ways to reduce demands on their players before when they will have played 12 internationals.

Black magic, page 50

Montgomerie solves dilemma

By John Hopkins, Golf Correspondent

COLIN MONTGOMERIE will not desert Europe next year but will compete less often than he has in the past. His announcement yesterday suggests that he will continue to live in England and play regularly on the European Tour but in fewer than the 18 tournaments in which he competed this year.

Instead he will play perhaps 12 or 13 in the United States, compared with eight this year.

Montgomerie was in something of a dilemma as how best to pursue his career. He felt he had done as much as he could on his own continent by winning the Order of Merit five times in succession and if he was to improve his chances of winning a major champ-

ionship he needed regular competition of a better standard. More importantly, he needed to spend more time competing on courses in the country where three of the year's four majors take place.

Montgomerie will start 1998 by playing in the Andersen Consulting Matchplay event in Arizona, after which he will take two months off.

His first event in Europe will be the Dubai Desert Classic at the beginning of March. Then he will fly to the US for a run of events in Florida before the Masters in April and remain there for most of the time leading up to the US Open in June. He will probably play more in the US in August, too.

It had been thought that he might move lock, stock and barrel across the Atlantic, as Nick Faldo did three years ago. But Einarsson Montgomerie is due to give birth to their third child next May, and with the first two children in his family both aged under five, it was always more likely that Montgomerie would not uproot them completely. He said yesterday that his family came before everything.

It is to be hoped that this slight tinkering with his schedule will result in a significant improvement in his performances in the major championships. It is becoming increasingly wearisome for him to be described as one of the best players never to have won a major.

Scotland give Elliott his chance

By Kevin McCarron

A PLACE at the World Cup finals is liberating as well as exhilarating. Now that Scotland have ensured their involvement in tournament next year, Craig Brown, the manager, is free to indulge his curiosity. Yesterday, he named Matt Elliott, the Leicester City player, in his squad for the friendly with France in St Etienne on November 12.

The Rochampton-born defender has a Scottish grandmother and Brown satisfied himself as to Elliott's eligibility six months ago, but decided not to take any action at that time. "We could have included him in our squad for some of the World Cup qualifying games," Brown said, "but if he hadn't played in them, he might have thought: 'Stuff it'. The fixture with France is a friendly and, if appropriate, we will bring him on."

As soon as he enters the field, Elliott will, for the purposes of football, be confirmed a Scot. There had previously been some speculation that England were interested in recruiting him. "We are not

picking him just to stop others from having him," Brown said. "He is a tremendous defender in his own penalty area and a major threat at the other end."

Elliott, 25, was given a free transfer by both Crystal Palace and Charlton Athletic while still a teenager. He only reached the FA Carling Premiership last season, when bought by Leicester from Oxford United. Brown prizes men who have toiled to attain status and will battle to retain it. Several members of his squad meet that description. Tosh McKinlay, of Celtic, was not capped until he was 30. Elliott might have started the game

SQUAD

SCOTLAND: T. Boyd (Celtic), G. Burley (Celtic), G. Caldwell (Nottingham Forest), J. Collins (Aberdeen), C. Daily (Dundee United), W. Dowie (Aberdeen), S. Docherty (Celtic), G. Docherty (Celtic), S. Elliott (Leicester City), K. Galloway (Blackburn Rovers), S. Gilmour (Nottingham Forest), A. Gordon (Preston), C. Hendry (Blackburn Rovers), D. Hooper (Leeds United), D. Johnston (Celtic), P. Lambert (Barnsley), J. Leighton (Aberdeen), S. McAllister (Blackburn Rovers), G. McCallum (Dundee United), J. McInnes (Preston), J. McKinlay (Celtic), W. McKinlay (Blackburn Rovers), J. McNamee (Celtic), A. Mann (St. Johnstone), N. Sullivan (Widnes), D. Watt (Heart of Midlothian).

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